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CIVICS AND
SCHOOL LAW

W. D. JOHNSON

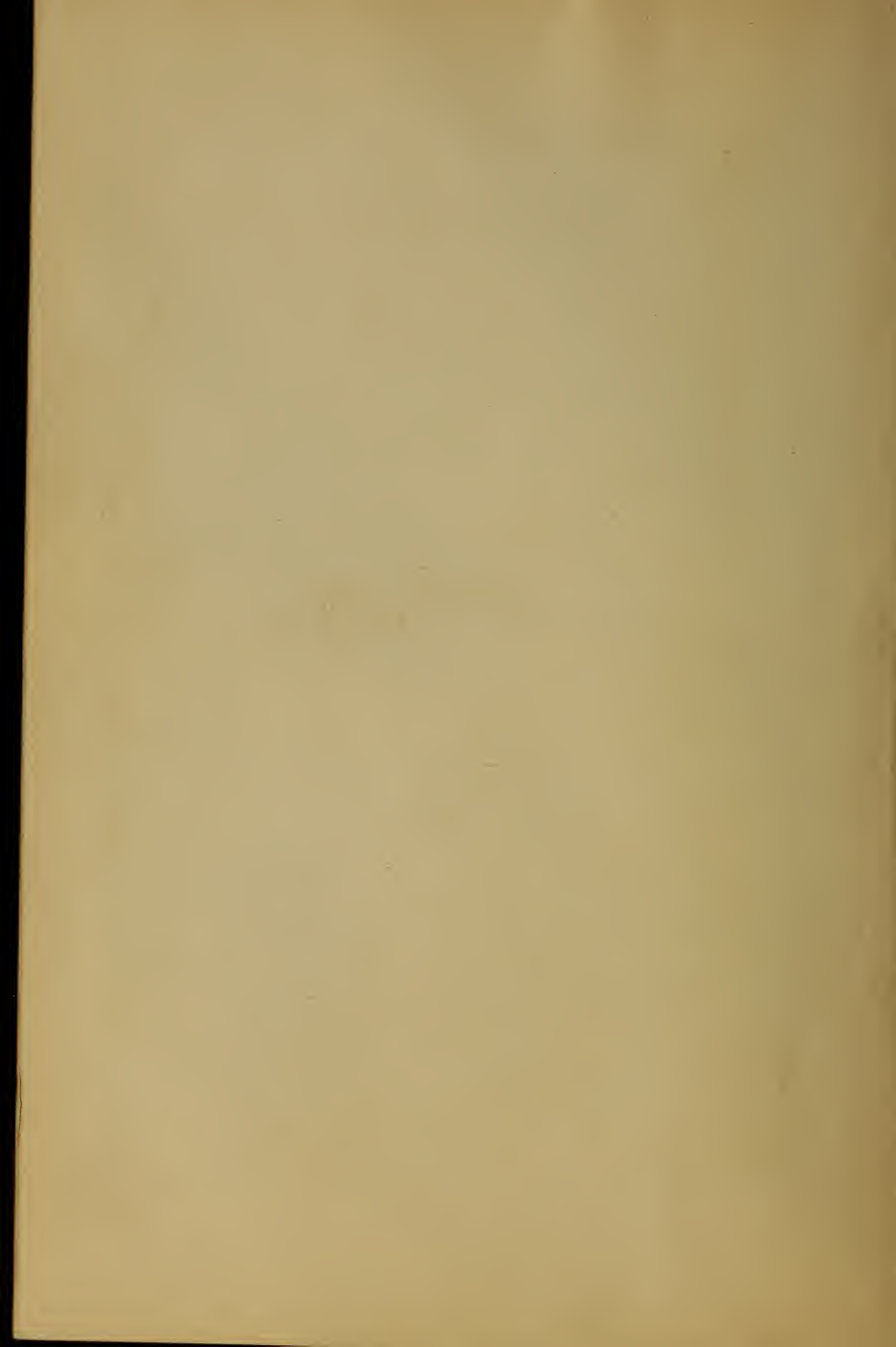


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CIVICS and SCHOOL LAW

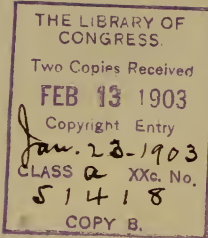
***For use in N. Y. State Training Classes
and by those who are preparing
for the State's Uniform Ex-
aminations.***

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By

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Reading and Drawing.***

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CIVICS.

Chapter I.

GOVERNMENT.

Government is the supreme authority of a state, or political community; it is that which makes, interprets and executes law. A nation is a people living under some form of government.

There are two theories as to the origin of government—one is that government was instituted by God, that is, is divine; the other is that government is the result of a social compact, that is, it came from an agreement of men to abandon the savage state and to adopt the civilized state.

Civics, or civil government, is the science which considers citizenship relations; it is the government of civil society.

An **aristocracy** is a government by a few privileged persons.

A **monarchy** is a government by a king or queen. An **absolute monarchy**, or despotism, is one in which the will of the ruler is law. A **limited monarchy** is one in which the power of the chief ruler is limited by laws made by representatives of the people.

A **republic** is a government conducted by representatives elected by the people. There are three functions of such

a government: the legislative, which makes the laws; the judicial, which interprets the laws; and the executive, which enforces the laws.

Law is a rule of action. Constitutional law, or a constitution, is "the fundamental law which determines the form of government and defines and limits its powers." Statute law is law passed by a legislative body. Common law is law established by custom. Civil or municipal law is law which relates to our every-day actions or to property relations.

A **right** is a just claim. Political rights are those which a citizen shares in the government. Civil rights are those not political; they embrace the right of personal security, personal liberty and private property.

A **constitution** is formed by delegates in a convention. A delegate is a person appointed by another with power to transact business as his representative. A convention is an assembly composed of such delegates. The convention makes a draft of the constitution, after which it is adopted by the people at an election.

Chapter II.

LEGAL PROCEEDINGS.

Plaintiff is the party that sues.

Defendant is the party that is sued.

Summons is a writ issued by the court at the instance of the plaintiff, summoning the defendant in court.

Warrant is a written document issued by a judge for the arrest of an offender.

Pleadings is the complaint filed by the plaintiff, which sets forth what he claims.

Plea, or answer, or demurrer is the statement filed by the defendant, setting forth his defence.

Jury is a body of men chosen by law to render a verdict from the evidence given in a suit at law.

Verdict is the decision of a jury.

A **criminal case** is one in which the State is the plaintiff.

A **subpoena** is a writ, issued by a court, compelling the attendance of a person as a witness.

A **civil case** is one between two persons or corporations.

Bail consists in giving a bond, which holds the bondsman responsible for the appearance of the prisoner when wanted.

Impeachment is a formal accusation of official misconduct.

The steps taken in a civil case: The defendant is summoned to appear in court. He may not appear in person. In this case he files, through his attorney, a notice in the clerk's office. If he does not appear at a certain time, the plaintiff takes judgment. If the defendant ap-

pears, the plaintiff files a complaint, after which the defendant files his plea. These papers are called the pleadings. If the pleadings do not agree, the case is settled by a trial.

The trial is before a jury of six men, if in a justice court; of twelve men, if in higher courts.

If either party does not appear in court, a judgment is given against the absentee. After the witnesses have given their evidence and the lawyers have summed up, the judge charges the jury, that is, he gives them a summary of the evidence on both sides and the points of the law. The jury now renders its verdict.

In criminal cases the defendant is brought before the grand jury for indictment. The district attorney brings the facts of the case before the grand jury. If this jury find him guilty, he is indicted. He is now brought before the trial jury for trial. If still found guilty, the judge pronounces sentence.

The probate court, presided over by the surrogate, has jurisdiction over wills and estates, appoints administrators and guardians, and settles their accounts. When there is a contest, the court proceeds in much the same way as other courts, but without a jury.

The justice court tries civil cases involving an amount not exceeding \$200 and minor or petty crimes. Issues of fact are determined in a justice court by a jury of six men. Justices of the peace are paid in fees.

The county court, the next higher court, tries civil cases appealed from the justice court, and involving an amount not exceeding \$2,000, and all crimes, except those punishable by death. Issues of fact are tried by a jury of twelve men.

The supreme court, the next higher court, is divided into four departments, and these in turn are divided into eight districts. There are seventy-six supreme court judges

in the State, elected by the people for fourteen years, at a salary of \$7,200. There are trial and special terms, presided over by a supreme court judge, and held in each county at stated times. At the trial term, civil and criminal cases are tried with a jury of twelve men. At the special term legal motions are heard and decided without a jury. The supreme court has both appellate and original jurisdiction. Each judicial department has an appellate division presided over by one of the seventy-six supreme court judges, appointed by the governor for a term of five years. Appeals from the decisions of the county courts and from the trial and special terms of the supreme courts are heard in this division.

The court of appeals is the highest court in this state. The judges of the court of appeals, seven in number, are elected by the people for fourteen years. The chief justice receives a salary of \$10,500 per year, with an allowance of \$3,700 for expenses. Each associate justice receives a salary of \$10,000 per year with an allowance of \$3,700 for expenses. The jurisdiction of this court is appellate, except in impeachment cases.

The court of claims is one in which all claims by citizens of the state against the state are heard and decisions rendered. The court consists of three judges of claims appointed by the governor for a term of six years, at a salary of \$5,000 each. The court holds four sessions annually at Albany.

Courts of record are those that have their official seals and official clerks, who keep records of their proceedings. Such courts are the surrogate's court, county court, supreme court and court of appeals. Courts of justices of the peace and coroners' courts are not courts of record.

United States Circuit Court. The United States is divided into nine circuit courts. Each circuit has two or more circuit judges appointed by the president and con-

firmed by the senate. One justice of the supreme court is also assigned to each circuit. The court has original jurisdiction in civil cases involving property worth \$500 or more and in all cases of crime against the United States.

For courts of impeachment see State and U. S. Constitutions.

Definitions.

A **crime** is an offence against the public.

Treason against the State is levying war against the people of it, or adhering to the enemies of it in times of war and giving them aid and comfort.

Murder is the premeditated killing of a human being.

Manslaughter is the unpremeditated killing of a human being.

Arson is maliciously burning the building of another; arson in the first degree is the burning of an inhabited building in the night-time.

Burglary is forcibly breaking into, in the night-time, an inhabited building of another with the intent of committing a crime.

Larceny is the taking of the personal property of another, with the intent of depriving him of it permanently.

Embezzlement is appropriating to one's use property that has been entrusted to him by another.

Forgery is falsely making or altering a written instrument with the intent to defraud.

Perjury is false swearing, when one is under oath to tell the truth.

Bribery is any influence in the nature of money or reward to change one's vote or judgment.

Will is a written document by which a testator disposes of his property upon his death. **Codicil** is an addition to

a will and must be executed with the same formalities as was the will.

Lease is a contract creating the relation of landlord and tenant.

Deed is a written instrument by which the ownership of land is transferred to a purchaser.

Mortgage is a form of deed, and is made as security for the payment of a debt; it becomes void on its payment.

Injunction is a judicial order, requiring the party to whom it is directed to do, or not to do, some designated thing.

Excise is a tax upon articles manufactured for home consumption, as a tax on liquors, collected by revenue officers.

Arbitration is an agreement between persons or nations to settle disputes by leaving them to the judgments of others.

A Reciprocity Treaty is one giving equality in stipulated commercial transactions to the citizens of two countries.

An Extradition Treaty is one for the delivery of fugitives from justice by one country to another.

Chapter III.

ELECTIONS.

Voters.—Voters must be of the male sex, 21 years of age, a citizen of the United States for 90 days, and unconvicted of heinous crime.

Residence.—Voters must reside in the State one year, in the county four months, and 30 days in the election district, immediately preceding the election.

Registration.—Each election district has about 200 to 600 voters. Voters must have their names on the registry lists at least 10 days before each election to be eligible to vote, and must register in person in villages and cities of 5,000 or over.

Choosing Candidates.—In every town or ward, caucuses are held to elect delegates to the county conventions, or to nominate town officers. At the county conventions, county officers are nominated or delegates are elected to congressional or state convention, where congressional or state candidates for office are nominated.

Time and Manner of Voting.—On the Tuesday following the first Monday in November, the polls are open from six a. m. to 5 p. m. The voter appears at the polls, his name is found on the registry list, and is given a ballot. After properly marking and folding his ballot in a booth, he hands his ballot to a poll clerk, when his name is checked off the registry list. Voting machines are now used in many places.

Counting the Votes.—After the votes have been counted by the inspectors, the result is publicly announced by

the chairman of the inspectors, and three written certificates of the vote are made out—one of which is filed with the town clerk, another with the stubs and unvoted ballots is filed with the county clerk, and the third is deposited with the supervisor. The board of supervisors meets on the Tuesday following, as a board of county canvassers, to ascertain what county officers are elected and what the county vote for State officers is. They send a certificate of the county vote of State officers to the governor, another to the comptroller, and another to the secretary of state. The secretary of state calls, on or before the 15th of December, the State board of canvassers together to canvass the result of the vote of the State for State officers. This board issues certificates of election to the successful candidates. Plurality elects.

For election of president and vice-president of the United States, see Art. XII, of the Amendments of United States Constitution.

Chapter IV.

HOW LAWS ARE MADE IN THE STATE.

Note.—A Bill is a proposed law.

The bill may be introduced in either house. It first goes to the clerk, then to the speaker, who announces its introduction and reads its title. This is the first reading of the bill.

Standing Committees.—At the beginning of the legislative session each year, the speaker divides the members of the assembly and the lieutenant governor or speaker pro tem of the senate divides the senate into committees to consider proposed laws. After the first reading of a bill, it is referred to a standing committee. The committee hears arguments for and against the bill, after which it reports the bill favorably or unfavorably to the house in which it originated. An unfavorable report usually "kills the bill." The work of committees thus greatly facilitates legislation.

After the bill has been reported favorably, it is debated, and amended if necessary, section by section, and agreed to or rejected by a majority of the house. This is the second reading of the bill. If it is passed, it is printed and cannot afterwards be changed. Unless the governor states that the bill should at once become a law, it must in its final form lie on each member's desk for three legislative days, after which it can be passed on its third and final reading.

Committee of the Whole.—Before the final passage of a bill, the house in which it is being considered may re-

sole itself into the committee of the whole, when the speaker may call some member of the house to the chair and the members may discuss the bill as a whole.

Bills Considered in Both Houses.—After a bill passes one house, it is sent to the other one, where it must go through the same proceedings that it did in the first.

Action by the Governor.—After a bill passes both houses, it is sent to the governor for his approval. If he approves the bill, he signs it and it becomes a law. If he disapproves it, he vetoes it. In this case, he sends it back to the house in which it originated with his objections. If it is now passed in each house by a two-thirds majority, it becomes a law in spite of the governor's veto.

If the governor fails to sign a bill within ten days (Sunday not included) after it is sent to him, during the session of the legislature, the bill becomes a law without his signature. After the adjournment of the legislature, he has 30 days in which to sign bills. If he does not sign the bills left in his hands at the adjournment, they fail to become laws.

Bills Passed by Congress.—Bills become laws by the action of congress as they do in the State legislature, with the exception that all bills pertaining to revenue must originate in the House of Representatives, and the president acts in the place of the governor.

Chapter V.

TOWN OFFICERS IN NEW YORK STATE.

Supervisor.

Election.—At town meeting for two years.

Compensation.—\$4 per day as county officer; \$2 per day as town officer; fees; mileage.

Duties.—1. Member of board of county canvassers.

2. Members of board of supervisors. The board of supervisors meets at the county seat. It manages property owned by county; borrows money on county's credit not to exceed 10% of the assessed valuation of the property; may alter the boundaries of towns; raises money for county purposes; divides county into assembly districts; makes an annual list of 300 or more citizens to serve as grand jurors.

3. Member of town board.

4. President of town board of health.

5. In association with the assessors, selects the trial jurors from his town in county and supreme courts.

6. Select the grand jurors from his town

School Duties.—1. Make on the first Tuesday of March in each year a written report to the county treasurer, showing the amount of school moneys in his hands not paid on the orders of trustees for teachers' wages and library purposes.

2. File in the town clerk's office a bond with two or more sureties, approved by the county treasurer, for double the amount of school moneys apportioned to the

town, upon his receipt from the school commissioner of a certificate stating the amount of the town's school money.

3. Distribute the school moneys in his hands applicable to the payment of teachers' wages, upon the written order of the trustees.

4. Pay over, upon the written order of trustees, to collector or treasurer the above moneys, when he has properly executed a bond for receiving said moneys.

5. Sue for and recover penalties and forfeitures for the district.

6. Report to town auditors at their annual meeting all school moneys received and distributed by him.

7. Act with school commissioners and town clerk in the erection or alteration of a school district.

8. File with the town clerk, within fifteen days after the termination of his office, an account of all school moneys received and distributed by him, and notify his successor of such rendition and filing.

Town Clerk.

Election.—At town meeting for two years.

Compensation.—Fees; \$2 per day.

Duties.—1. Keep the records of the town.

2. Act as clerk of the town meetings.

3. File chattel mortgages.

4. Perform the general clerical duties for the town.

5. Member town board.

School Duties.—1. Receive from the supervisor the certificates of apportionment of school moneys to the town.

2. Notify trustees of the filing of such certificates.

3. Receive from school trustees their annual reports.

4. Furnish to the school commissioner the names and post-office addresses of the school district officers.

5. Act with school commissioner and supervisor in the erection or alteration of a school district.

6. Distribute to trustees all books, blanks and circulars from the State Superintendent or school commissioner.

7. Preserve all books, papers, and records filed in his office and relating to the schools of his town.

8. File the bond of the school collector.

9. Preserve in his office all books and records of dissolved school districts.

Justices of the Peace.

Election.—At town meeting for four years.

Number.—Four in each town.

Compensation.—Fees.

Duties.—1. Judicial officers for the town.

2. Issue warrants for the arrest of persons accused of crimes.

3. Issue summons.

4. Take acknowledgement of conveyances and administer oaths.

5. Member town board.

Assessors.

Election.—At town meeting for two years.

Number.—Three in each town.

Compensation.—\$2 per day; fees.

Duties.—1. Assess real estate and personal property owned by the inhabitants of a town.

2. Settle disputes pertaining to division fences.

Collector.

Election.—At town meeting for two years.

Compensation.—Fees.

Duties.—I. Execute a bond to the supervisor for double the amount of tax to be collected.

2. Receive tax list and warrant and collect the tax and pay it over as directed.

Highway Commissioners.

Election.—At town meeting for two years.

Number.—One to three.

Compensation.—\$2 per day.

Duties.—I. Has general supervision of highways and bridges.

2. Lay out new roads where properly directed.

3. Divide town into road districts and appoint overseers for the same.

4. View destruction of sheep by dogs and fix damages for same.

Constables.

Election.—At town meeting for two years.

Number.—From one to five.

Compensation.—Fees.

Duties.—I. Serve summonses.

2. Preserve order in a community.

3. Bring prisoners before a justice of the peace.

4. Collect money upon executions.

Inspectors of Election.

Election.—At town meeting, two elected and two appointed for two years.

Number.—Four for each election district.

Compensation.—\$2 per day.

Duties.—1. Receive votes at election.

2. Count ballots at close of election, make a true statement thereof and transmit it to the board of county canvassers.

Note.—The supervisor, town clerk, and justices of the peace with one citizen member form the town board of health.



Chapter VI.

COUNTY OFFICERS.

County officers are elected at the annual election for three years with the exception of surrogate and county judge. Each of these is elected for six years. The sheriff is prohibited from holding the same office for a succeeding term. The following are their duties.

Sheriff.

1. Executive officer of the county.
2. Have charge of jail and prisoners.
3. Attend courts.
4. Summon jurors.

Surrogate.

1. Grant letters testamentary and administrative.
2. Take proof of wills.

District Attorney.

1. Attorney for the county.
2. Present complaints made to him, accusing persons of crime, to the grand jury.
3. Draw bills of indictment.

School Duties.—I. Prosecute all persons guilty of misdemeanors in school affairs.

Coroners.

1. Investigate mysterious deaths in county.
2. Arrest sheriff upon criminal processes.
3. Perform duties of sheriff in case of vacancy in sheriff's office.

Superintendent of the Poor.

1. Take care of the county house.
2. Make an annual report to board of supervisors.

Judge.

1. Presiding officer in county court.
2. Sentence criminals.

School Duties.—1. When notified by county clerk of vacancy in office of school commissioner, he shall appoint one.

County Clerk.

1. Administer oath to jurors and witnesses.
2. Record mortgages, deeds, etc.
3. Draw the grand and trial jurors.
4. Keep the county records.

School Duties.—Receive from the State Superintendent certification of public money.

2. Certify to State Superintendent of the election of school commissioner.
3. File school commissioner's oath of office.
4. Notify county judge of vacancy in office of school commissioner.
5. File school commissioner's annual report to the State Superintendent.

County Treasurer.

1. Receive from town collectors, county and State tax.

2. Make an annual statement of the financial affairs of his office to the board of supervisors.

School Duties.—1. Report to the school commissioner between the first and third Tuesdays in March the unexpended moneys applicable to the payment of teachers' wages and to libraries, in the hands of the supervisors on the first day of March preceding.

2. File bonds of supervisors.

3. Pay each supervisor the school moneys belonging to the town.

4. Pay from contingent fund to district collector enough money to offset uncollected tax of said district, and report the facts to the board of supervisors. If no moneys are in the treasury for such purpose, the board of supervisors shall pay to the collector the amount of the unpaid taxes, by voucher or draft on the county treasurer.

5. Receive from the State treasurer upon the written order of the comptroller the school moneys belonging to the county.

School Commissioner.

When Term Begins.—Jan. 1, next after his election.

Oath of Office.—Must take oath of office before county clerk or a judge of a court of record within ten days after the commencement of the term.

Salary.—\$1,000, with \$200 allowed by the board of supervisors for expenses.

Vacancy.—County clerk gives notice to county judge or if that office is vacant to superintendent of public instruction, who appoints a commissioner to serve until Jan. 1st, following.

How Office Vacated.—By removal by superintendent of public instruction for neglect of official duties; by resignation, in which case, he must file his resignation in county clerk's office; by removing from county; by accepting the office of supervisor, town clerk or trustee of a school district.

What Prohibited from Doing.—Can not engage in publishing school books, maps or charts, or in the manufacture of such, or of any school apparatus or furniture, or act as an agent for the above.

Eligibility.—Male or female, 21 years of age, a citizen of the United States, and a resident of the county in which the school commissioner district is located. (Women cannot vote for a school commissioner.)

Duties.—I. Have the school district boundaries in his district definitely and plainly described in the records of the proper town clerk.

2. Visit all schools in his district; inquire into their management, the course of study and mode of instruction, the text-books used, the condition of the school-houses, sites and appendages; examine the school-libraries.

3. Direct trustees, when necessary, to make alterations or repairs to school house at an expense not exceeding \$200. (An additional sum may be voted by the district). Direct repairs to be made in school furniture at an expense not exceeding \$100. Direct the abatement of any nuisance upon the school property at an expense not exceeding \$25.

4. Condemn, for reason a school-house, and deliver the order to the trustees or one of them, and transmit a copy to the superintendent of public instruction. The order shall state what amount the commissioner deems necessary to erect a school-house. Upon receipt of order the trustee shall call a special meeting of the inhabit-

ants of such district to consider the question of building a school-house therein. Such meeting shall have the power to determine the size of said school-house, the material to be use in its erection and to vote a tax to build the same, but the commissioner's estimate shall not be reduced more than 25 per centum of such estimate. If no tax shall have been voted by district within 30 days, the trustee shall contract to build the same and levy a tax to cover the expense. The commissioner's estimate may be increased by a vote of the district.

5. Conduct the uniform and training class examinations.

6. Examine any charge affecting the moral character of any teacher within his district. If the charge be sustained, he shall annul his certificate by whomsoever granted.

7. Take affidavits and administer oaths in all common school matters, but without fee.

8. On Aug. 1, make annual report of the condition of the schools in his district, to the superintendent of public instruction. Deposit trustees' reports and an abstract of his report with the county clerk.

9. Call first school meeting in a new school district.

10. Alter and dissolve school districts as provided by law.

11. Arrange once a year for a teachers' institute.

12. Recommend for appointment persons to normal schools.

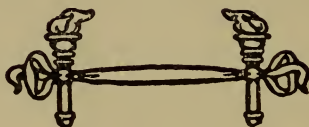
13. Apportion State school moneys to the various school districts, on the 3rd Tuesday in March.

City Officers.

Note.—Cities are divided into **Wards**. The powers of a city are defined in its **Charter**, granted by the legislature.

Mayor.—Chief executive officer.

Alderman.—Legislative officer; represents a city ward.
The mayor and alderman make up the **Common Council**,
the legislative body of the city.



Chapter VII.

STATE OFFICERS.

For duties of governor and lieutenant governor, see State Constitution.

The administrative officers of the State are Secretary of State, Comptroller, Treasurer, Attorney General, State Surveyor and Engineer. They are elected at the general election for two years. The salary of the Comptroller is \$6,000; each of the others receives \$5,000 per year. They take their offices on the first of January next after election. They constitute the State board of canvassers.

Secretary of State.

Duties.—I. Keep records and papers belonging to the State.

2. Receive and record all pardons, election returns, etc.

3. Supervise the printing of the laws passed each year by the State legislature.

4. Report annually to the legislature statistics of pauperism and crime.

Comptroller.

Duties.—I. Superintend the fiscal concerns of the State.

2. Report annually to the legislature the State's revenues and expenditures.

3. Audit, examine and settle accounts due to or from the State.
4. Superintend the collection of the State's taxes.
5. Negotiate loans for the State.

Treasurer.

- Duties.—1. Have charge of the State's money.
2. Pay drafts upon the warrants of the comptroller.
 3. Keep the State's bank account.

Attorney General.

- Duties.—1. Defend and prosecute all suits in which the State is interested.
2. Prepare drafts for State contracts.
 3. Governor's legal advisor.

State Engineer and Surveyor.

- Duties.—1. Prescribe the duties and assign divisions of canals to engineers.
2. Visit and inspect canals.
 3. Prescribe State surveys.

Other State Officers.

Officer	How Elected	Term	Salary
Sup't Public Works.	App. by Gov. and Sen.	2 years,	\$6,000
Sup't of Banks,	do.	3 years,	5,000
Sup't of Insurance,	do.	3 years,	7,000
Adjutant General,	App. by Gov.	2 years,	4,000
State Tax Com'rs,	App. by Gov. and Sen.	3 years.	5,000
Com'r of Excise,	do.	5 years,	5,000
Railroad Com'rs	do.	5 years,	8,000
Civil Service Com'rs.	do.	Not defined,	3,000
Sup't State Prisons,	do.	5 years,	6,000
Regents of the University,	do.	Life,	

Superintendent of Public Instruction.

Term.—3 years.

Term begins.—April 7.

How and when elected.—By joint ballot of the senate and assembly on the second Wednesday of February next preceding the expiration of the term of his predecessor.

Salary.—\$5,000.

Appointments.—Two deputies (salary \$4,000) and clerks. First deputy shall perform duties of Superintendent in case he vacates office. If the office of Superintendent and that of his deputy be vacant, the governor shall appoint a person to fill vacancy.

Duties.—I. *Ex-officio* a regent of the University of the State of New York, a trustee of Cornell University.

2. Have general supervision over the State normal schools.

3. Provide for the education of the Indian children of the State.

4. Annually report to the legislature: (a) the condition of the common schools of the State; (b) the apportionment of school money made by him; (c) plan for the improvement of the schools and the advancement of public instruction in the State.

5. Grant certificates of qualifications to teach, and may revoke the same.

6. Keep in his office a list of all persons who hold a license to teach in the State.

7. Remove a school commissioner from office for violation or neglect of official duty.

8. Prepare suitable registers, blanks, forms, and regulations for making all reports as he shall deem conducive to the proper organization and government of the common schools.

9. Apportion to the counties according to their population, or before the 20th of January, all school or public moneys. Said moneys shall be payable on the 1st day of April next after the apportionment.

10. In case of an appeal to him from any act or decision pertaining to common schools, his decision shall be final.

11. Have charge of teachers' institutes and training classes.

12. Enforce the compulsory education law.

13. Remove from office for reason, any school district officer.



Chapter VIII.

NATIONAL OFFICERS.

For duties of President and Vice-President, see United States Constitution.

The President's Cabinet consists of Secretary of State, Secretary of the Treasury, Secretary of War, Secretary of Navy, Secretary of Interior, Postmaster General, Attorney-General, Secretary of Agriculture. These are appointed by President and confirmed by the U. S. Senate. Salary \$8,000.

Secretary of State.

Duties.—1. Preserve public records, laws, arguments and treaties.

2. Supervise their publication.
3. Conduct the government's foreign correspondence.
4. Make out and record passports.

Secretary of Treasury.

Duties.—1. Receive all moneys paid into the U. S. Treasury.

2. Collect the government's revenues.
3. Audit government accounts.
4. Supervise the execution of laws relating to commerce, currency, coast survey, the mint and coinage, etc.

Secretary of War.

Duties.—1. Have charge of business of the government's military affairs.

2. Keep records of the army.
3. Direct the government of troops.
4. Superintend the payment, stores, arms, and equipment of the army.
5. Construct fortifications.

Secretary of the Navy.

1. Have charge of naval establishments.
2. Issue naval commissions.
3. Supervise the enlistment and discharge of seamen.
4. Construct navy yards and docks.
5. Supervise equipment of vessels and coast surveys.

Secretary of the Interior.

1. Have charge of public lands.
2. Have charge of pensions and Indian affairs.
3. Award patents and copyrights.
4. Supervise census taking.
5. Bureau of education is in his department.

Postmaster General.

1. Have charge of postal system.
2. Have charge of post-offices.
3. Make contracts for carrying the mails.

Attorney General.

1. Legal adviser of president and his cabinet.
2. Examine applications for pardons.
3. Conduct suits for the government.

Secretary of Agriculture.

1. Investigate the destruction of injurious insects, and the eradication of diseases of live stock.
2. Distribute seeds.
3. Investigate the qualities of fertilizers.

In addition to the departments mentioned, the following bureaus have been established: Civil service commission, interstate commerce commission, U. S. fish commission, library of congress, bureau of ethnology, national museum, etc.



Chapter IX.

SCHOOL DISTRICT OFFICERS.

Trustee.

Term.—One year, if one trustee; three years, if three.

How and when elected.—By ballot at annual school meeting. [The annual school meeting of each district (except in districts organized under special acts) shall be held on the first Tuesday of August, and, unless otherwise fixed by vote of a previous district meeting, the same shall be held at the school house, at 7:30 o'clock in the evening.] In districts having more than 300 children of school age, the trustees are elected by ballot on the first Wednesday, between 12 m. and 4 p. m.

Term begins.—Immediately after election.

Change in number.—District may change from three to one by majority vote; from one to three by two-thirds vote.

Eligibility.—Must be a resident of the district and qualified to vote at its meetings, must be able to read or write, male or female, and cannot hold the office of district collector, clerk, librarian, supervisor, or school commissioner.

Vacancy filled.—By district within 30 days after vacancy; after that by appointment by school commissioner.

How vacates office.—By publicly declaring that he will not accept the office, by neglecting to attend three successive meetings of board, by accepting any office mentioned under Eligibility. The superintendent may remove a trustee for neglecting his official duty or disobeying orders of State Superintendent.

Penalty.—Any duly qualified person elected to the office of trustee, who refuses to serve as trustee, forfeits \$5, or who has not refused to accept but who neglects to perform the duties of his office, forfeits \$10.

Notice of Election.—Any school district officer, present at a school meeting electing him, is considered to have sufficient notice of his election.

Duties.—I. Call special meetings.

2. Make out tax-list within 30 days after tax has been voted by district.

3. In absence of district clerk, give notice of meetings.

4. Annex to tax-list a warrant directed to the collector.

5. Purchase or lease school-house site.

6. Have custody of school property.

7. Insure the school property.

8. Employ teachers as needed. He cannot employ a teacher for less than 10 weeks, unless to fill out an unexpired term, or for more than one year.

9. Provide two water-closets with separate approaches, which shall be separated by a close fence not less than seven feet high. Must be kept in wholesome condition. For failure to comply with this act, the State superintendent may withhold from the district its public money.

10. For sufficient reason, the trustees of a district may dismiss a teacher.

11. Must make annual report to the school commissioner on August 1st, in each year ending on July 31st preceding, sign and certify to the same and deliver to town clerk.

12. Provide for janitor work.

13. Establish temporary or branch school to relieve an over-crowded school-room.

14. Submit plan of ventilating, heating and lighting of a proposed new school-house to the school commis-

sioner for his approval. (The installments for a new school-building shall not extend beyond 20 years.)

15. Draw orders upon the supervisor, or district collector, or district treasurer for teachers.

16. Keep all school property in proper repair. He may spend for this purpose without a vote of the district \$50, abate a nuisance at an expense not exceeding \$25, and purchase apparatus to the amount of \$25.

17. Make a written report to the annual school meeting of the district.

18. Fill vacancies in the office of district clerk, district collector, district treasurer, and district librarian.

District Clerk.

Term of office, mode of election, and eligibility are the same as those of trustee.

Duties.—1. Must notify in writing the persons elected to district offices. If such notified persons do not file with the clerk a written refusal to serve within five days from said notification, he is deemed to have accepted the office to which he was elected.

2. Record the proceedings of all district meetings and all reports of the trustee to the school commissioner.

3. Give notice of time and place of the annual school meeting, of special district meeting, and of all adjourned meetings. If his office be vacated, trustees shall call special meeting. If offices of both clerk and trustee be vacated, the school commissioner shall call such meeting. No other business shall be transacted at such meeting except that which is specified in the notice. The notice shall be served upon each taxable inhabitant qualified to vote at district meetings, at least five days before day of said meeting. To notify said voter, said notice shall be read in the voter's hearing, or in case of his absence a copy of the notice, or so much thereof as re-

lates to the time, place and object of the meeting shall be left at his abode *six* days before time of meeting.

3. Notify persons elected or appointed to district offices and report the names and addresses of such persons to town clerk. For failure to file such notice, a penalty of \$5 may be imposed for each and every such neglect.

4. Post in at least five of the most public places of district, notice of an adjourned meeting and of every annual school meeting, at least five days before the time appointed for such meeting.

5. Keep and preserve all records belonging to his office, and deliver the same to his successor, or in dissolved districts, to the town clerk. Penalty for non-compliance is \$50.

6. When requested, attend all meetings of trustees and keep a record of the same.

District Treasurer.

NOTE.—Treasurer elected at option of district.

Eligibility.—Must be a taxable inhabitant of the district. In other respects, his eligibility, election and term of office are the same as those of trustee.

Duties.—1. Custodian of all moneys belonging to the district.

2. Execute and deliver to trustee, with two sureties, a bond, the amount of which shall be fixed by district meeting.

3. File such a bond with district clerk.

4. Pay over to successor district moneys remaining in his hands.

5. Pay out money only upon the written order of trustee.

6. Make an itemized report at annual school meeting.

District Collector.

Term of office, election and eligibility are the same as those of the trustee. Entitled to a fee of one per cent. on moneys received during the first 30 days and five per cent. on all moneys collected thereafter.

Duties.—1. Execute with two sureties, approved by trustees, a bond, not less than ten days before receiving warrant for the collection of taxes, in such an amount as the district meeting shall have fixed. The bond, with the approval of the trustees endorsed upon it, shall be filed in the town clerk's office.

2. Execute a bond for double the amount of the last apportionment to district, with like conditions of sureties when he shall disburse to teachers the money apportioned by the State for teachers' wages.

3. Perform duties of district treasurer, if district does not elect one.

4. After 60 days after receiving tax list and warrant, he shall return the same to the trustees, who must file the same in town clerk's office within 15 days after their return.

5. Report to supervisor of town all school money in his hands on or before the first Tuesday in March.

6. Pay over to his successor all school moneys left in his hands.

Libraries.

Librarians.—The trustees shall appoint a teacher of the school as librarian.

Care of library.—The librarian and trustees shall be responsible for the proper care of the books, and shall make such reports as the superintendent requires.

Conditions for obtaining State library money.—Common school districts shall raise the minimum amount of \$5

and not more than \$10; union free school districts \$10 and not more than \$25. [The State money available for school libraries is \$55,000 annually.]

2. Trustees must make application to the school commissioner for duplication of above amounts.

3. The district may raise the money by tax or otherwise.

4. Application must be reported to the superintendent between the annual school meeting and the third Tuesday in March.

5. Library money will be paid to supervisor with the public money.

6. List of books must be approved by the superintendent.

7. The books must consist chiefly of books of reference, history, science, travel, classical or standard literature and pedagogy.

8. Entire sum appropriated must be expended before the close of the school year.

9. The librarian shall keep a careful record of the books loaned and of additions by purchase or otherwise, and at the close of the year shall give to the trustees a report of the condition of the library, and any recommendation which he may choose to offer.

10. State Superintendent may withhold public school money from a district for violating any of the provisions of the library law.

11. School library cannot be used for a circulating library. But students, school officers and teachers, may use books, when the rules of the State Superintendent permit, and the books are not needed by the school for reference. Such books must not be kept for more than two weeks.

Chapter X.

SCHOOL DISTRICTS.

School District.—A school district is a subdivision of a town or city having its own school officers for the purpose of maintaining a public school therein.

Union Free School Districts are those that have a board of education and are organized as such under the provisions of the consolidated school law or under a special act of the State Legislature.

Common School Districts are those under a trustee or trustees.

Joint Districts are those lying in two or more school-commissioner districts. It is supervised by the commissioner in whose district the school house is located. All of the above are public schools, since they are free to all children of school age in the district and are supported by public taxation.

School Year.—From August 1st to the thirty-first of July following.

Qualification of voters at school meeting.—Every person of full age residing in any school district and who has resided therein for a period of 30 days next preceding any annual or special meeting held therein, and a citizen of the United States, who owns or hires, or is in the possession, under a contract of purchase, of real property in such school district liable to taxation for school purposes: and every such resident of such district, who is a citizen of the United States, of 21 years of age, and is the parent of a child or children of school age, some one or more of whom have attended the district school in said district for a period of at least eight weeks within one

year preceding such school meeting; and every such person not being the parent, who shall have permanently residing with him or her a child or children of school age, some one or more of whom shall have attended the district school in said district for a period of at least eight weeks within one year preceding such meeting; and every such resident and citizen as aforesaid, who owns any personal property, assessed on the last preceding assessment-roll of the town, exceeding fifty dollars in value, exclusive of such as is exempt from execution. No person shall be deemed to be ineligible to vote at any such school district meeting, by reason of sex, who has one or more of the other qualifications aforesaid.

Challenge.—Any legal voter at a district meeting may challenge any person offering his vote at such meeting. If the challenged person can declare that he is a qualified voter at the meeting, he shall be permitted to vote; otherwise his vote shall be rejected.

Powers of annual meetings.—1. Appoint a chairman.

2. Elect by ballot the school officers.

3. Adjourn from time to time.

4. Designate site for school-house.

5. Determine to have a treasurer of district.

6. Fix amount of bonds of collector and treasurer.

7. Vote a tax for a school library.

8. Vote a tax to supply deficiency in any former tax.

Failing in this the trustee may raise by direct tax any reasonable sum to pay balance of teacher's wages remaining unpaid, but not for more than four months in advance.

9. Authorize the trustee to insure the school property.

10. Vote a tax for teacher's wages.

11. Alter and modify their proceedings.

12. Vote a tax not exceeding \$25 in any one year for the purchase of maps, etc.

13. By a two-thirds vote, adopt text-books for five years. A text-book may, however, be changed during the five years by a three-fourths vote of the legal voters of the district at an annual meeting. At the expiration of the five years, another text-book may be adopted in common school districts by a two-thirds vote; in a union school district by a majority vote of the board of education. Any person violating the above is liable to a fine of not less than \$50 nor more than \$100 for each offense.

Union free-school districts.—A special school meeting must be called, if 15 qualified voters at a district meeting request, in writing to the trustee, that a union free-school district be formed.

Notice of meeting.—Within 10 days after the above request, the trustee must give notice of the special meeting within 20 to 30 days from the date on which the notice is given.

Meeting.—15 qualified voters of the district must be present to make the proceedings of the meeting legal. A majority vote will decide the question.

Filing of papers.—Copies of all proceedings certified by chairman and secretary up to and including the affirmative vote must be filed in the town clerk's office, with the school commissioner, and with the Superintendent of Public Instruction.

Date of annual meeting in union free-school districts.—1st Tuesday in August, if district boundaries do not correspond to those of village or city, otherwise no annual meeting is held.

Powers of Board of Education.—1. Adopt by-laws for its own government.

2. Prescribe a course of study for the school.

3. Prescribe the text-books used.

4. Prescribe the rules and regulations for the government and discipline of the school.

5. Transfer pupils and admit non-residents. [Non-residents are exempt from tuition each year to the amount of school taxes their parents pay annually.]

6. Purchase site designated by a district meeting and construct school-house.

7. Purchase furniture, apparatus, etc.

8. Repair school-house and furniture.

9. Establish an academic department.

10. Insure property.

11. Fill vacancies in the board.

12. Remove members for misconduct.

13. Appoint an attendance officer.

14. Hold legacies in trust.

15. Publish each year 20 days before the annual meeting, in at least one newspaper of the district, a detailed account of all moneys received and expended.

16. In villages of 5000 or over, appoint a superintendent.

17. Establish truant schools.

18. Establish kindergartens.

Chapter XI.

TEACHERS.

Licenses:

- a. Normal school diploma.
- b. State certificate.
- c. College graduate certificate.
- d. Uniform certificate.
- e. Training class certificate.
- f. Temporary license.
- g. Drawing certificate.
- h. Kindergarten certificate.
- i. Vocal music certificate.

a. A normal school diploma is issued to one who has completed the course prescribed in one of these schools; it is a life license to teach.

b. A state certificate is issued to one who has taught successfully two years and who passes the subjects for a first grade certificate and astronomy, botany, chemistry, geology, general history, plane geometry, literature, philosophy of education, rhetoric, zoology, French. German or Latin may be offered for astronomy or zoology. The trials extend over three years. The certificates are good for life.

c. A college graduate certificate may be granted to college graduates of three years' experience in teaching. A college graduate professional certificate good for three years is furnished at graduation to students of approved colleges who have taken a professional course in pedagogy approved by the superintendent.

d. Uniform certificates are of three grades—first, second and third.

Third Grade.

Term. Issued for one year, and limited to a particular school or grade. (This rule is subject to general rule II.)

Number of Certificates. But one certificate of this grade shall be granted to the same person.

Experience. None.

Educational requirements. Candidates shall be required to pass a written examination in American history, arithmetic, composition, geography, grammar, orthography, penmanship, physiology and hygiene, school law, and reading.

Standing required. 75 per cent in each subject.

Number of trials allowed. Four examinations within one year.

Date of Certificate. Uniform certificates of all kinds are dated August 1st.

Second Grade.

Term. Issued for three years.

Number of Certificates. But one certificate to the same person.

Experience. 10 weeks; attendance upon a normal school or upon a training class, under the supervision of the Department of Public Instruction for one year, will be accepted in lieu of such experience.

Educational requirements. American history, arithmetic, civil government, school law, composition, current topics, drawing, geography, grammar, methods and school management, orthography, penmanship, physiology and hygiene, and reading.

Standing required. 75 per cent. in each subject except drawing, and in that subject a standing of 65 per cent.

Number of trials allowed. Candidates must obtain the required standing for such certificate within two years from the date of the first examination.

First Grade.

Term. 10 years.

Renewals. If the holder has taught under one for five years, he may have any school commissioner renew it for 10 years.

Experience. Two years.

Educational requirements. Algebra, American history, arithmetic, bookkeeping, civil government, composition, current topics, drawing, geography, grammar, methods and school economy, orthography, penmanship, physics (elementary), physiology and hygiene, and school law.

Standings. 65 per cent. in drawing and 75 per cent in all other subjects.

Number of trials. During three years.

Times of examinations in all grades.—August, November, January, and April.

Exempt from Examination.

Candidates who have attained 90% in any subject under the merit rules will be exempt from examination in such subjects.

Five years' experience.—The holders of second-grade certificates who have taught successfully for five years will be exempt from examination in all subjects credited on their present second-grade certificates with a standing of 75 per cent.

State examinations.—Candidates for certificates of any grade shall be exempt from examination in any subject in which they have attained a standing of 75 per

cent. in an examination for a state certificate, as shown by any partial state certificate issued not more than five years previously.

Training Class Certificates.

Term.—Issued for three years.

Renewals.—Renewable under the same conditions that first-grade certificates are renewable.

Experience.—Attendance upon a training class for at least two terms, as provided in the training class regulations.

Educational requirements.—75 per cent. in each of the subjects for a second-grade certificate, and 75 per cent. in all professional subjects designated in the course of study for teachers' training classes. The professional subjects now required are methods, history of education, school management and art of questioning, and psychology.

f. Temporary Licenses.

These are issued by the superintendent of public instruction for such time as he deems necessary, but only in cases in which public convenience absolutely requires it.

g. Drawing Certificates.

Limitations.—These certificates entitle the holder to teach drawing only.

Term.—3 years.

Renewals.—Under the same conditions that first-grade certificates are renewable.

Experience.—One year's successful experience in teaching in public schools or one year's professional training in a normal school in this state, in a training class or

some other institution approved by the state superintendent of public instruction.

Educational requirements.—A third-grade certificate, and 75 per cent. on a special paper in drawing. Graduates of an approved high school course will not be required to submit papers in third-grade subjects.

h. Kindergarten Certificates.

Limitation.—A kindergarten certificate shall entitle its holder to teach in a kindergarten only.

Term.—3 years.

Renewals.—Under the same conditions that first-grade certificates are renewable.

Experience.—One year's professional training in kindergarten work in a normal school in this state or in a training class or in some other institution approved by the state superintendent of public instruction.

Educational requirements.—75 per cent. each in methods, school management, history of education, and 75 per cent. in a special examination in the subject of kindergarten work and in any other special professional subject designated for training classes.

Number of trials.—Candidates may combine the standing earned in three consecutive examinations.

i. Vocal Music Certificates.

Limitations.—Certificates may be granted to candidates who establish to the satisfaction of the state superintendent that they are qualified to teach vocal music. Such certificate shall entitle its holder to teach music only.

Term.—3 years.

Renewals.—Under the same conditions that first-grade certificates are renewable.

Note.—A school district employing the holder of a music certificate for the full period of school for each day for the required number of days (160), shall be entitled to a full district quota; but if such teacher shall be employed for a shorter time than the full period each day, the district quota apportioned for such teachers shall be in proportion to the time employed each day.

REGULATIONS FOR CITIES.

Primary and Grammar Schools.

No person who does not possess one of the following evidences of qualifications can be employed in the primary and grammar schools of a city employing a superintendent of schools:

(a) A life state certificate issued by the state superintendent of public instruction.

(b) A diploma issued by the authorities of a state normal institution in this state.

(c) A college graduate certificate issued by the state superintendent of public instruction.

(d) Graduation from a three years' course in a high school or academy approved by the state superintendent of public instruction, or from an institution of learning of equal or higher rank likewise approved, and subsequently thereto graduation from a school or class for the professional training of teachers, having a course of not less than 38 weeks, and which must also be approved by the state superintendent of public instruction.

(e) Three years' successful experience in teaching and a valid teacher's certificate. Division (e) does not apply to Albany, Buffalo, Jamestown, Middletown and New York.

High Schools.

After August 1, 1901, no person who does not possess one of the following qualifications or who was not employed in high school teaching in this state during the school year ending July 31, 1901, shall be employed to teach in any high school or high school department in any city whose teachers are examined and licensed under the authority of the state department of public instruction or in any village authorized by law to employ a superintendent of schools:

(a) A state certificate issued since 1875, by the state superintendent of public instruction.

(b) A college graduate certificate issued by the state superintendent of public instruction.

(c) Graduation from a college approved by the state superintendent, and graduation from a pedagogical course in a university or college also approved by the state superintendent, or graduation from an approved college and a uniform certificate of any grade.

(d) A normal school diploma issued on the completion of a course in a state normal school in this state, or in a state normal school of another state when such course has been approved by the state superintendent of public instruction.

(e) A first-grade uniform certificate.

These rules apply to all cities in the state except Albany, Buffalo, Jamestown, Middletown and New York. The certification of teachers in these cities is under the supervision of local authorities.

Annulment of Certificate.—In New York State a license to teach may be annulled upon proof that the teacher is lacking in moral character, learning, ability to teach, or has failed to attend a teachers' institute, or to keep an engagement to teach.

The state superintendent can annul a teacher's certificate for any of the above causes; the school commissioner can annul a teacher's certificate for immoral conduct only.

Conditions on which an annulment may be made because of immoral conduct are: (a) The charges must be specific; (b) only present offence can be considered; (c) the offence must be serious; (d) the teacher must have notice.

Teacher's Contract.

Prerequisites.—(a) Required age, 18 years; (b) unexpired license to teach; (c) no relation to trustee, unless trustee is authorized to hire such teacher by a two-thirds vote of legal voters in district, or unless the teacher is hired by board of education, one of whose members is related to teacher.

A trustee making a contract with a teacher who has not the proper prerequisites to teach is personally liable for the salary of the teacher.

Conditions.—The teacher's contract (called memorandum of hiring) must be written, must be signed by officer or officers employing the teacher and by the teacher, and must be delivered to teacher. A duplicate copy is retained by the contracting trustee or trustees. The contract must contain: (a) length of the term of employment; (b) the amount of compensation; (c) the time or times when such compensation shall be due. The pay of any such teacher shall be due and payable at least as often as at the end of each calendar month of the term of employment. Whether stated in the contract or not, it is implied that the teacher shall fill all blanks in the school register, preserve it, verify its correctness by oath, and deliver it to district clerk.

Power of trustees over teacher under contract.—Trustees may make rules and regulations relative to the discipline of the schools under their charge; prescribe the studies to be taught; grade and classify the school; regulate the admission of pupils, and the management and superintendence of said school. Teachers have the exclusive control of the methods of imparting instruction; of the assignment of seats to pupils; of regulating the order in which classes shall recite; of conducting recitations and examinations.

Removal of teachers.—A board of education cannot remove a teacher while under contract except for "neglect of duty, incapacity to teach, immoral conduct, or other sufficient cause."

Extent of teacher's authority.—The teacher's authority over a pupil is the same as that of a parent. It begins and ends on the school ground, though cases may be cited showing such authority may extend beyond these limits. The right of a teacher to detain pupils after school hours is questionable; but trustees and parents usually sanction such detention.

Corporal punishment.—Teachers have a legal right to inflict corporal punishment, unless such punishment has been forbidden by statute or by an act of the trustees, and unless it is unreasonable and immoderate in degree.

Suspension and expulsion of pupils.—The teacher may dismiss a pupil for a day, but not for a longer period. This action of the teacher must be reported to the trustee by the close of school on the day during which the dismissal occurred. The trustee may then suspend the pupil for not more than 10 days, if such pupil is between 8 and 16 years of age, unless said trustee provides a place at which such pupil may receive instruction.

The trustee only may expel a pupil. Causes of expulsion are: (a) Immorality of pupil; (b) insubordination; (c) damage to school property; (d) infectious disease; (e) lack of vaccination; (f) incapacity.

Immoral and incorrigible pupils between 8 and 16 years of age should be proceeded against as disorderly persons. See Compulsory Education Law.



Chapter XII.

STATE SCHOOL MONEY AND APPORTIONMENT.

Sources.—1. The Literature Fund, established in 1786, grew out of the sale of public lands. It has been increased by grants from the legislature. The income from this fund is apportioned by the regents for the benefit of high schools and academies.

2. The Common School Fund was established in 1805. It grew out of the sale of 500,000 acres of State lands. From the income of this fund, \$170,000 are annually apportioned to the common schools and \$6,000 to the Indian schools.

3. The United States Deposit Fund grew out of an act of congress which, in 1836, divided the surplus in the United States treasury among the States according to their representation. New York's share was about \$4,000,000. The income from this fund is distributed by the regents to academies, public libraries and for regents' examinations; and a portion is added each year to the common school fund.

4. The Free School Fund is the amount fixed annually by the State legislature and is used for common and normal schools, teachers' institutes, training classes, school commissioners' salaries, and other expenses of the department of public instruction.

5. The College Land Script Fund grew out of the sale of the western public lands that were granted by the United States for the State agricultural colleges. Its income is paid to Cornell University to maintain free scholarships, one to each of the 150 assembly districts in the State.

6. The General School Tax is paid from the general treasury of the State for educational purposes, such as for the State library and museum, reform schools, etc.

7. Local Taxes pay about three-fourth of the annual common school expenses.

How apportioned by State Superintendent.—I. On or before Jan. 20, he sets apart from the free school fund the commissioners' salaries.

2. From the same fund, the sum of \$800 to each city of the State and to each incorporated village having a population of 5,000 or upwards, and to each union free school district having a like population, employing a superintendent of schools, and in case any city is entitled to more than one member of assembly, according to the unit of representation, adopted by the legislature, \$500 for each additional member of assembly. (The superintendent must give his entire time to the supervision of schools, and the State superintendent shall cause an enumeration of the inhabitants to be taken to ascertain whether the population is 5,000).

3. From the United States Deposit Fund, the library money.

4. From the Free School Fund, a sum not exceeding \$6,000, for contingent fund.

5. From State Tax, a sum for the support of the Indian schools.

6. The remaining school moneys shall be divided in two parts. He shall apportion to each school district having an assessed valuation of \$40,000 or less, and maintaining a school with a duly qualified teacher or succession of duly qualified teachers for 160 days, inclusive of legal holidays that may occur during the term of said schools and exclusive of Saturday, a district quota

of \$150, and a district quota of \$125 to all other districts. Each district is entitled to as many quotas as it has duly qualified teachers, teaching in the district for 160 days during the school year. For every additional duly qualified teacher employed the required time of 160 days, the district or city shall be entitled to one teacher's quota. The amount of a teacher's quota for each city, district and Indian reservation is \$100. (Note the distinction between a teacher's and a district quota).

7. The remainder of the State school moneys, and the library moneys separately, shall be apportioned among the counties, according to population.

How apportioned by School Commissioner.—On the third Tuesday in March, in each year, he (1) shall set apart the district and teacher's quotas apportioned by the superintendent; (2) shall set apart to every district which did not participate in the apportionment of the previous year such equitable sum as the superintendent shall have allowed it; (3) shall apportion in each district its library money; (4) shall apportion remaining money belonging to districts according to aggregate attendance of resident pupils between 5 and 18 years of age. If the district maintains a kindergarten, the age limits are 4 to 18.

How distributed by the State and County Treasurers.—The moneys so apportioned are payable on April 1st, succeeding, to the county treasurer, who shall, upon receipt of the commissioner's certificate of apportionment, pay to each supervisor the moneys apportioned to his town when the supervisor shall have filed a bond approved by the treasurer.

How distributed by Supervisor.—The supervisor shall pay out the library moneys, and the school moneys for teachers' wages upon the written order of trustees. If

the district shall have a treasurer or shall have designated the collector to be the custodian of the school moneys, these officers shall receive from the supervisor said school moneys.



Chapter XIII.

TEACHERS' TRAINING CLASSES AND SCHOOLS.

Conditions of appointment.—No school shall receive an appointment unless it can (a) furnish an instructor for not less than 4 recitations daily of 35 minutes each, who is a college graduate or a normal school graduate of this State, who has had at least three years' experience in teaching, or a holder of a State certificate granted since 1875; (b) pay a salary of at least \$500 to the instructor; (c) furnish a suitable room, separate from other departments of the school; (d) furnish the class opportunities for observing methods of teaching in the grades and for practice in teaching; (e) conduct the recitations of the class separate from the recitations of other classes of the school; (f) maintain a class for at least 36 weeks.

Qualifications of members.—1. 17 years of age at least.
2. Must subscribe to a declaration that it is their intention to remain in the class during the year, unless excused for cause, and to teach at completion of course.
3. Must possess moral character, talents and aptness necessary to success in teaching.
4. (a) Must hold an unexpired second or third grade certificate, or one that has expired not earlier than the end of the school year preceding. (b) A standing attained subsequent to August 1, 1902, of at least 70 per cent. in arithmetic, composition, geography, grammar, spelling, penmanship, physiology, American history, and civics. Standing of 65 per cent. gained since August 1, 1901, will be accepted. (c) A regents' preliminary certificate, or a ninth grade certificate issued by the department of public instruction, and 14 academic counts, 4 of which shall be

English, 2 in American history, 2 in civics, 2 in physiology, and 4 optional. The candidate is recommended to select for his optional counts from foreign history, drawing and algebra.

Organization.—1. The school year is divided into two terms of not less than 18 weeks.

2. New classes are organized in September only, but fully qualified candidates may be admitted at the beginning of the second term.

3. The class must consist of not less than 10 nor more than 25 members.

4. An organization blank and register must be filled out and sent to the department at the end of the third week.

Course of study.—Arithmetic, psychology and principles of education, school management, including the art of questioning, history of education, American history, drawing, language and grammar, geography, physiology, reading, civics and school law.

Examinations.—These will begin on the third Tuesday in January and on the second Tuesday in June, and continue for $3\frac{1}{2}$ days. Successful candidates will receive certificates valid for three years and thereafter renewable for five year periods, if the holder has had at least two years of successful experience under the certificate.

Duties of the school commissioner.—School commissioners are instructed to accept a year's work in a training school in lieu of 10 weeks of successful experience in teaching required for a second grade certificate. He is directed by law to visit and inspect the classes once each month, to advise and assist the principals in the organization and management of the classes, to conduct the final examinations, and to issue certificates as prescribed by the State superintendent. He shall require members of classes to attend teachers' institutes.

Duties of State superintendent to classes.—1. Apportion out of the income of the United States Deposit Fund, not otherwise apportioned, \$30,000, and out of the Free School Fund, \$30,000, for the instruction of the members of the classes.

2. Designate the schools in which instruction shall be given.

3. Prescribe the course of study, the conditions of admission, determine the number of schools which may be formed in one year.

4. Maintain adequate inspection and supervision and pay for the same out of the above appropriations.

City Training Schools.

The public school authorities of any city or any village employing a superintendent of schools may establish and maintain one or more training schools for the professional instruction of teachers for not less than 38 weeks.

No one is eligible to these classes who has not been graduated from a high school or academy having a three years' course, approved by the State superintendent or from some other institution of equal or higher rank.

The State superintendent is authorized to set apart each year from the free school fund for this purpose a sum not to exceed \$25,000. (Chap. 644, Laws of 1901.) Formerly the sum was \$100,000.

(See article Primary and Grammar schools, under Regulations for Cities. That is a part of this act.)

Chapter XIV.

PHYSIOLOGY, FLAG LAW AND FIRE DRILL, ETC.

Physiology Law.

Purpose.—The nature of alcoholic stimulants and narcotics and their effects on the human system shall be taught in all schools supported by public money and in reformatory institutions.

Who shall receive instruction.—All pupils in the above schools below the second year of the high school and above the third year primary, not including the kindergarten year, shall be taught this subject with text books in the pupils' hands for not less than three lessons a week for ten or more weeks, or the equivalent. Oral instruction shall be given in the three primary grades for not less than two lessons a week for ten weeks, or the equivalent.

Text Books.—The text books in the hands of the pupils must be graded to the capacities of fourth-year, intermediate, grammar, and high school pupils. The text books in the grades must give one-fifth of their space and those in the high school twenty pages to the nature and effects of alcoholic drinks and narcotics.

Regents' examinations.—All regents' examinations in physiology and hygiene must include a due proportion of questions on the nature of alcoholic drinks and narcotics and their effects on the human system.

Where taught.—The best methods of teaching this branch must be given in all normal schools, training classes and teachers' institutes.

Duty of teachers.—Every teacher must pass satisfactory tests in this topic. For refusing to teach it, the State superintendent shall revoke the teacher's license.

Withholding public money.—If a public school fails to comply with this law, the State superintendent shall withhold all its public money.

Flag Law.

The school authorities of every public school in the several cities and school districts of this State shall purchase a United States flag, flagstaff and the necessary appliances therefor, and shall display such flag upon or near the public school building during school hours, and at such other times as the school authorities may direct. The necessary funds to defray the expense incurred by this act shall be assessed and collected in the same manner as moneys for public school purposes are now raised by law.

Fire Drills.

Each principal having more than 100 pupils is required to instruct them in fire drills, as often as at least once each month. For a failure to comply with this, he is liable to a fine not exceeding \$50.

The board of education must have a copy of the act as a manual for the guidance of teachers.

Religious Exercises in Schools.

Religious exercises of any kind cannot be conducted in any public school if any patron of the school objects. No pupil can be compelled to remain in school during such exercises.

Arbor Day Law.

When.—The Friday following the first day of May shall be known in this State as Arbor Day.

Object.—Exercises shall be given in each school to encourage the planting, protection and preservation of trees and shrubs, and an acquaintance with the best methods to be adopted to accomplish such results.

Duties of State superintendent.—The superintendent shall prescribe from time to time a course of exercise and instruction in the subjects before mentioned. The school commissioner shall provide each school with copies of the Arbor Day course issued by the State superintendent.

Teachers' Institutes.

Closing schools and penalties.—All schools in school districts within any school commissioner district wherein an institute is held must be closed during the time of such institute. All teachers under contract in the said district must attend the institute, but without deduction of salary. Wilful failure to attend the institute on the part of the teacher shall be sufficient cause for the revocation of the teacher's certificate. Wilful failure on the part of trustees to close school while an institute is held in their commissioner district is sufficient cause for withholding the public money from their school district. The trustees are responsible for the money thus withheld. Cities and villages employing a school superintendent are exempt from this act.

Who shall attend.—Members of training classes, all teachers engaged in teaching, and all persons under contract to teach in the commissioner's district in which an institute is held. A teacher under contract who at-

tends an institute held in the commissioner's district in which he has said contract to teach is entitled to pay, the same as though engaged in teaching at the time.

Attendance for week.—The attendance of a school closed during institute week is allowed to be the aggregate attendance during the week previous to such institute. In the apportionment of public money such attendance is included in the aggregated attendance of the district.

Summer Institutes.

Three summer institutes may be maintained for three weeks for the purpose of training and instructing teachers for the public schools of the State. The State superintendent appoints these, employs the instructors, and establishes regulations for the government. These teachers' institutes are free to all teachers of the State. The sum of \$6,000 is annually appropriated out of the free school fund for the support of these institutes.

Chapter XV.

COMPULSORY EDUCATION LAW, ETC.

Definitions.—The term school authorities means the trustees or board of education or corresponding officers of a city or district. The term persons in parental relations to a child includes those who have care, custody or control of such child.

Required attendance upon instruction.—Every child between 14 and 16 years of age, not regularly engaged in some useful employment, and every child between 8 and 12 shall attend upon instruction annually, during the period between October 1st and the following June as the public school of the district shall be in session. Every child between 12 and 14, in proper physical and mental condition to attend school shall attend at least 80 secular and consecutive days, except for holidays, vacations, and detentions by sickness, and shall attend the remaining part of the year, unless lawfully employed.

Character of Instruction.—If any child shall attend upon instruction elsewhere than at the public school, the instruction shall be substantially equivalent to that given in the public school and shall be given under the same conditions as to attendance. Instruction shall be by a competent teacher, given at least in reading, spelling, writing, arithmetic, English grammar, and geography.

Excuses.—Every child subject to this law may be required to furnish satisfactory excuses for absence or tardiness.

Duties of persons in parental relation to children.—The law requires every parent, guardian, or person in parental relation to a child or children between the ages of 8 and

16 to attend upon instruction according to law, if such child or children are in proper physical or mental condition to attend school, or present to the proper school authorities of the city or district that he is unable to compel such child to attend. A violation of this is a misdemeanor, punishable for the first offence by a fine not exceeding \$5, and for such subsequent offence by a fine not exceeding \$50, or by imprisonment not exceeding 30 days or both.

Unlawful employment of children.—If any person, firm or corporation employ a child between 12 and 14 years of age during the school year, the child must present to his employer a certificate from the superintendent of schools or from such other officer as the school authorities may designate, that said child has attended school for the time required by law. It shall be unlawful to employ any child between 8 and 12 years of age, contrary to the above. Penalty for each offence is \$50, which must be paid to treasurer of city or village or to supervisor of town and added to the public moneys of city, village, or district in which the offence occurred.

Teachers' Record of attendance.—An accurate record of the attendance of all children between eight and sixteen years of age shall be kept by the teacher of every school, showing each day by the year, month, day of the month and day of the week, such attendance, and the number of hours in each day thereof; and each teacher upon whose instruction any such child shall attend elsewhere than at a school, shall keep a like record of such attendance. Such records shall, at all times, be open to the attendance officers or other persons duly authorized by the school authorities of the city or district, who may inspect or copy the same; and every such teacher shall fully answer all inquiries lawfully made by such authorities, in-

spectors or other persons, and a wilful neglect or refusal so to answer any such inquiries shall be a misdemeanor

Attendance officer.—The school authorities of each city, union free school district, or common school district whose limits include in whole or in part an incorporated village, shall appoint and may remove at pleasure one or more attendance officers of such city or district, and shall fix their compensation and may prescribe their duties not inconsistent with this act, and may make rules and regulations for the performance thereof; and the superintendent of schools of such city or school district shall supervise the enforcement of this act within such city or school district; and the town board of each town shall appoint one or more attendance officers whose jurisdiction shall extend over all school districts in said town, not by this section otherwise provided for, and shall fix their compensation which shall be a town charge; and such attendance officers appointed by said board shall be removable at the pleasure of the school commissioner in whose commissioner's district such town is situated.

Arrest of truants.—The attendance officer may arrest without warrant any child between eight and sixteen years of age, found away from his home, and who then is a truant from instruction, upon which he is lawfully required to attend within the city or district of such attendance officer. He shall forthwith deliver a child so arrested either to the custody of a person in parental relation to the child, or of a teacher from whom such child is then a truant, or, in case of habitual and incorrigible truants, shall bring them before a police magistrate for commitment by him to a truant school as provided for in the next section. The attendance officer shall promptly report such arrest and the disposition made by him of such child, to the school authorities of the said

city, village or district where such child is lawfully required to attend upon instruction or to such person as they may direct.

Truant schools.—The school authorities of any city or school district may establish schools or set apart separate rooms for children who are habitual truants, or who are insubordinate while in attendance, or who are irregular in their attendance; and they may provide for the confinement, maintenance, and instruction of such children in such schools, or they may make a contract with any other city or school district having a truant school, for the confinement, maintenance, and instruction of their truant children.

Commitment.—With the written consent of the persons in parental relation to a child, such child may be confined and maintained in a truant school; or in a private school, an orphan's home or similar institution controlled by persons of the same religious faith as the person in parental relation to the child, for a period not exceeding the remainder of the school year. If the persons in parental relation to such child shall not consent, such conduct of the child shall be deemed disorderly conduct, and the child may be proceeded against as a disorderly person, and, upon conviction, must be sentenced to be confined and maintained for the remainder of the current school year either in a truant school or in a private school, and orphans' home, or similar institution. Truant schools shall not have committed to them persons convicted of other crimes than truancy.

Expenses of commitment.—The expense of commitment and the cost of maintenance of truant schools shall be a charge upon the city or the village employing a superintendent. In all other cases, the expense is a town charge.

Training in truant schools.—Industrial training must be furnished in every truant school.

Withholding public money.—Any city or district that wilfully omits or refuses to enforce the provisions of this act, after due notice, may have withheld from it one-half its public money; but when the provisions have been complied with, all moneys so withheld shall be paid over to the superintendent of such city or district.

School Districts Under Contract.

Whenever any school district, by a vote of a majority of the qualified voters present and voting thereon, shall empower the trustees thereof, the said trustees shall enter into a written contract with the trustees or boards of education consenting thereto, or any other district, village or city, whereby all the children of such district may be entitled to be taught in the public schools of such city, village or school district for a period of not less than one hundred and sixty days in any school year, upon filing a copy of such contract, duly certified by the trustees of each of such school districts, or by the secretary of the board of education of such city or village in the office of the State Superintendent of Public Instruction. Such school district shall be deemed to have employed a competent teacher for such period, and shall be entitled to receive one distributive district quota each year, during which such contract shall be continued.

The board of education of any city or village, and the trustees of any school district so contracting with any other school district, shall report the number of persons of school age in such district, together with those resident in said city, village or school district, the same as though they were actual residents thereof, and shall report for the pupils attending such schools from such adjoining districts to the Superintendent of Public Instruction, the same as though they were residents of such city, village or school district.

Whenever any district shall have contracted with the school authorities of any city or village or other school district for the education therein of the pupils residing in such common school districts, the inhabitants thereof entitled to vote are authorized to provide, by tax or otherwise, for the conveyance of the pupils residing therein to the schools of such city, village or district with which such contract shall have been made, and the trustees thereof may contract for such conveyance when so authorized in accordance with such rules and regulations as they may establish.

State Scholarships in Cornell University.

Number.—A State scholarship in Cornell University is annually awarded for each assembly district in the State.

How awarded.—On the first Saturday in June of each year, the school commissioner conducts a competitive examination at the county seat to determine who from the county are entitled to appointment. These examinations are under the supervision of the State superintendent, who announces the successful competitors.

Eligibility.—Candidates must be at least 16 years of age, must be residents of the State, must take examination in the county in which they reside, and must have been in attendance in some public school or academy of the State for at least six months during the year immediately preceding the examination.

Chapter XVI.

HISTORY OF OUR GOVERNMENT.

Previous to the declaration of independence, our country had three forms of government.

The **provincial or royal government** was one in which there were a governor and a council appointed by the crown and a legislature elected by the people. Examples: New York, Virginia after 1620, and the Carolinas.

The **proprietary government** was one which was governed by a person owning grants of land made by the king. Examples: Maryland, Pennsylvania and Delaware.

The **charter government** was one whose powers were given in a charter granted by the king. Examples: Virginia up to 1620, Rhode Island and Connecticut.

The **second continental congress** assembled in May 10, 1775. This congress was the governing power of the new nation until March 1, 1781, when the Articles of Confederation went into effect.

The **Articles of Confederation** were not designated to make a national government, but a league of friendship between the states. They provided for but one national legislative house. Each state had but one vote in it.

Reasons for their failure:

1. It had no executive or judiciary.
2. It could not collect taxes; this was delegated to the states.
3. It could not enforce treaties.
4. It could not regulate commerce.

5. It could not protect a state from invasion.
6. The states could nullify any of its acts.
7. It could not pay its debts.

In Sept. 11, 1786, representatives from five states met at Annapolis to consider the subject of trade. These recommended that a general convention should be called to revise the Articles of Confederation. Such a convention was called in May, 1787; it is known as the Federal Convention. It framed our present National Constitution. The first election was held under it on the first Wednesday in January, 1789. George Washington was elected the first president and was inaugurated at New York, Apr. 30, 1789.

Chapter XVII.

UNITED STATES CONSTITUTION.

Preamble.—We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

ARTICLE I.

LEGISLATIVE DEPARTMENT.

Section 1.—Division.

1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2.—House of Representatives.

1. The house of representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative.

[Point out a compromise in this clause. When was the last enumeration? What is the basis of representation in the last Congress?]

4. When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Section 3.—Senate.

1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one-third may be

chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments, until the next meeting of the Legislature, which shall then fill such vacancies.

3. No person shall be a senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

4. The vice-president of the United States shall be president of the senate, but shall have no vote unless they be equally divided.

5. The Senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice-president or when he shall exercise the office of president of the United States.

6. The Senate shall have sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment and punishment, according to law.

[Point out a compromise in sec. 3, Art. I.]

Section 4.—Election and Meetings of Congress.

1. The times, places and manner of holding elections for Senators and Representatives shall be prescribed in

each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

Section 5.—Powers and Duties of the Houses.

1. Each house shall be the judge of the elections, returns, and qualifications of its own members; and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Section 6.—Privileges of and Prohibitions upon Members.

1. Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They

shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Section 7.—Revenue Bills.

1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with the amendments as on other bills.

2. Every bill which shall have passed the house of representatives and the Senate shall, before it become a law, be presented to the president of the United States; if he approve he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated; who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the

president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law.

3. Every order, resolution or vote, to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and, before the same shall take effect, shall be approved by him; or, being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Section 8.—Legislative Powers of Congress.

The Congress shall have power:

1. To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States:

2. To borrow money on the credit of the United States:

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes:

4. To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States:

5. To coin money; to regulate the value thereof, and of foreign coin; and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States:

7. To establish post-offices and post-roads:

8. To promote the progress of science and useful arts, by securing for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries:

9. To constitute tribunals inferior to the Supreme Court:

10. To define and punish piracies and felonies committed on the high seas, and offences against the law of nations:

11. To declare war; grant letters of marque and reprisal; and make rules concerning captures on land and water:

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years:

13. To provide and maintain a navy:

14. To make rules for the government and regulation of the land and naval forces:

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions:

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States; reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may by cession of particular States, and the acceptance of Congress, become the seat of government of the United States; and to exercise like authority over all places purchased, by the consent of the legislature of the State in which the same shall be, for the erection of

forts, magazines, arsenals, dockyards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

Section 9.—Prohibitions upon the United States.

1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation not exceeding ten dollars for each person.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

3. No bill of attainder or ex post facto law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

5. No tax or duty shall be laid on articles exported from any State. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

6. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

7. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign State.

Section 10.—Prohibitions upon the States.

1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts; or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE DEPARTMENT: PRESIDENT AND VICE-PRESIDENT.

Section 1.—Terms; Election; Salary.

1. The executive power shall be vested in a president of the United States of America. He shall hold his office

during the term of four years; and, together with the vice-president chosen for the same term, be elected as follows:

2. Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

3. [This clause has been superseded by Art. XII. of the amendments, hence is omitted.]

4. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

5. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

6. In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice president, and the Congress may by law, provide for the case of removal, death, resignation, or inability, both of the president and vice president, declaring what officer shall then act as president; and such officer shall act accordingly, until the disability be removed, or a president be elected.

7. The president shall, at stated times, receive for his services a compensation, which shall neither be increased

nor diminished during the period for which he shall have been elected ; and he shall not receive, within that period, any other emolument from the United States, or any of them.

8. Before he enter on the execution of his office, he shall take the following oath or affirmation :

“I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States ; and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

Section 2.—President's Executive Powers.

1. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States ; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate shall appoint, ambassadors, other public ministers and counsels, judges of the supreme court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law, or in the heads of departments.

3. The president shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Section 3.—President's Executive Powers.

1. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient. He may on extraordinary occasions, convene both houses, or either of them; and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper. He shall receive ambassadors and other public ministers. He shall take care that the laws be faithfully executed; and shall commission all the officers of the United States.

Section 4.—Impeachment.

1. The president, vice-president and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

JUDICIAL DEPARTMENT.

Section 1.—Courts.

1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior; and

shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Section 2.—Jurisdiction.

1. The judicial powers shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party, to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations, as the Congress shall make.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Section 3.—Treason.

1. Treason against the United States shall consist only in levying war against them, or in adhering to their

enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attained.

ARTICLE IV.

RELATIONS OF STATES.

Section 1.—Public Records.

1. Full faith and credit shall be given, in each State, to the public acts, records, and judicial proceedings of every other State; and the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

Section 2.—Rights in one State of Citizens in Another.

1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State under the laws thereof, escaping into another, shall, in

consequence of any law or regulation therein, be discharged from such service or labor; but shall be delivered up on claim of the party to whom such service or labor may be due.

Section 3.—New States and Territories.

I. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other state, nor any State be formed by junction of two or more States or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.

Section 4.—Guarantee to the States.

I. The united States shall guarantee to every State in this Union a republican form of government; and shall protect each of them against invasion, and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence.

ARTICLE V.

Amendment.

The Congress whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments; which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided that no amendment which may be made prior to the

year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

Public Debts, Supremacy of National Law, Oath, Religious Test.

1. All debts contracted, and engagements entered into, before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, any thing in the constitution or laws of any State to the contrary notwithstanding.

3. The Senators and Representatives before mentioned, and the members of the several State legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

Ratification.

1. The ratification of the conventions of nine States shall be sufficient for the establishing of this constitution between the States so ratifying the same.

[Alexander Hamilton was the signer from New York State.]

AMENDMENTS.

[The first 10 amendments adopted 1791.]

ARTICLE I.

Freedom of Religion, of Speech, and of the Press.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

ARTICLE II.

Right to Bear Arms.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

Quartering Soldiers on Citizens.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in a time of war, but in a manner to be prescribed by law.

ARTICLE IV.

Search Warrants.

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no

warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

Trial for Crimes.

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

Rights of Accused Persons.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law; and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

Suits at Common Law.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive Bail.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

Rights not Named.

The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

Powers Reserved to States.

The powers not delegated to the United States, by the constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

[Adopted 1798]

Suits Against States.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

[Adopted 1804.]

Election of President and Vice-President.

1. The electors shall meet in their respective States and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct list of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the president of the Senate;—the president of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted;—the person having the greatest number of votes for president shall be president, if such number be a majority of the whole number of electors appointed; and if no person have such majority then from the persons having the highest numbers, not ex-

ceeding three, on the list of those voted for as president, the House of Representatives shall choose immediately, by ballot, the president. But in choosing the president, the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the vice-president shall act as president as in the case of the death or other constitutional disability of the president.

2. The person having the greatest number of votes as vice-president shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the vice-president. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice.

3. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

ARTICLE XIII.

[Adopted 1865.]

SLAVERY.

Abolition of Slavery.

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

ARTICLE XIV.

[Adopted 1868.]

**CIVIL RIGHTS, APPORTIONMENT OF REPRESENTATIVES,
POLITICAL DISABILITIES, PUBLIC DEBT.****Section 1.**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crimes, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

No person shall be a Senator or Representative in Congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who, having previously taken oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Section 4.

The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or claim for loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

ARTICLE XV.

[Adopted 1870.]

RIGHT OF SUFFRAGE.**Right of Negro to Vote.**

The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Explanations.

Impeachment.—The House of Representatives makes out the articles of impeachment against an officer, and the Senate tries him. A two-thirds vote is generally required for conviction. The officers subject to impeachment by Congress are the president, vice-president and all civil officers of the United States. No member of Congress nor any navy or military officer can be removed in this way.

Citizens and aliens.—A citizen is a person born in this country; an alien is a person born in a foreign country, and a subject of a foreign government.

Naturalization.—Naturalization is the process by which a foreign-born person becomes a citizen. A foreigner may become naturalized by appearing before a court, declaring his intention to become a citizen of the United States, and renouncing all allegiance to foreign government. After two years more, he must appear in open court, renounce upon oath his foreign allegiance, and swear to support the United States constitution. If this is after he has been in this country five years and in a State continuously one year where naturalization is sought, he is a citizen of this country.

Patents.—A patent gives an inventor the exclusive right to make, sell and use his invention for 17 years.

Copyright.—A copyright is the sole right that an author has to print and sell a book, chart, or map. It is given by the government for 28 years, and may be renewed for 14 years.

Habeas Corpus.—Habeas corpus is a writ, issued by a judge, which directs an officer to bring the prisoner into court to ascertain the legality of the imprisonment.

Bill of Attainder.—A bill of attainder is an act by a legislative body, condemning a person to death without a regular trial in court.

Ex post facto law.—An ex post facto law is one that makes an act a crime that was not such at the time of its committal.

Vacancy in the office of President.—Filled in order by vice-president, secretary of state, of the treasury, of war, attorney general, postmaster general, secretary of navy, secretaries of the interior, and of agriculture.

Bill of Rights.—The first ten amendments are often called the bill of rights.

Ambassadors are ministers of the highest rank sent to represent the interests of a country at the seat of government of some other nation. Ministers are not subject to the laws of the country to which they are sent.

A minister plenipotentiary is one having full power to transact some special business in some foreign country. Ministers to Berlin, London, Paris and St. Petersburg each receive \$17,500.

An ambassador in ordinary is an ambassador, who lives at a foreign court, and is intrusted with the ordinary work of a minister.

An ambassador extraordinary is a minister sent to a foreign country on a particular occasion, and returns as soon as his business is done. He is sometimes called envoy.

A consul is a person who lives in some foreign city and looks after the commercial interests of his home country.

Chapter XVI.

Constitution of New York State.

History.—There have been eight constitutional conventions,—in 1777, 1788, 1801, 1821, 1846, 1867, 1894. The first constitution was written largely by John Jay, and remained in operation for 44 years. The constitution that was reported by the convention of 1867 was rejected by the people in 1867. The present constitution went into operation January 1, 1895.

CONSTITUTION.

Preamble.—We, the people of the State of New York, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this constitution.

ARTICLE I.

Individual Rights.

Sec. 1. Disfranchisement.—No member of this State shall be disfranchised, or deprived of any of the rights secured to any citizen thereof, unless by the judgment of his peers.

Sec. 2. Jury Trial.—No person shall be deprived of the right of trial by jury in those cases where it now exists.

Sec. 3. Religious Liberty.—Every person shall have the right to believe and worship as he pleases.

Sec. 4. Habeas Corpus.—The right of habeas corpus shall not be suspended except in case of rebellion or invasion.

Sec. 6. Indictment, Trial, Property taken for public use.—

(a) No person shall be tried for crime without indictment by grand jury; may have counsel to defend him; if once acquitted, never to be tried again on the same accusation. (b) No one shall be deprived of life, liberty, or property without a trial. (c) Private property taken for public use shall be paid for.

Sec. 7. Private Property, Private Roads, Drainage of Agricultural Lands.—(a) Compensation for private property taken for public use, when such compensation is not to be made by the State, shall be ascertained by jury or by commissioners. (b) The necessity of opening a private road shall be determined by jury; contingent damages and expenses shall be paid by person benefited. (c) The legislature shall make general laws giving farmers right of drainage across adjoining lands.

Sec. 8. Freedom of Speech.—Every one shall have the right to write, print, or say whatever he chooses, holding himself responsible for libel or slander.

Sec. 9. Right of Petition, Divorce, Lottery and Gambling.—(a) People shall have right to assemble and petition government. (b) Divorces shall not be granted by legislature. (c) No lottery, pool-selling, book-making, or any other kind of gambling shall be allowed in this State.

Sec. 10. Escheats.—All lands the title to which fails from defect of heirs reverts to the people of the state.

Sec. 13. Lease of Farm Land.—No lease of farm land for more than 12 years shall be valid.

Sec. 15. Indian Lands.—Consent of the legislature shall be necessary to buy lands of the Indians in this State.

Sec. 18. Removal of \$5,000 Limitation.—Damages for injuries resulting in death shall not be subject to statutory limitations.

ARTICLE II.

Voters.

Sec. 1. Qualifications.—Male; citizen 90 days and inhabitant of this state one year preceding election; four months resident of county; and for last 30 days, resident of election district. The legislature shall provide for the time and place at which absent electors in the navy and army may vote, and for the canvass of their votes.

Sec. 2. Bribery.—Any person who gives or receives money or any other reward for a vote at an election shall be deprived of the right to vote at such election. The legislature shall enact laws excluding from the right to vote all persons convicted of bribery, or of any infamous crime.

Sec. 3. Residence.—No person shall lose his right to vote while in the service of the United States, while navigating the waters of this State or the United States, while a student in any seminary of learning, or while in any almshouse, or other asylum or in any public prison.

Sec. 4. Registration.—All voters must register at least ten days before election. In cities and villages having 5,000 or more inhabitants, voters shall be registered upon personal application only; but voters not living in such cities or villages shall not be so required to register.

Sec. 5. Manner of Voting.—All elections by the citizens shall be by secret ballot.

Sec. 6. Election Boards bi-partisan.—All boards of officers who register voters and distribute, receive and count votes at elections shall have equal representation from the two largest political parties at the last preceding election. This section shall not apply to town meetings or to village elections.

ARTICLE III.

The Legislature.

Sec. 1. Number of Houses.—Two houses; Senate and Assembly.

Sec. 2. How constituted.—Senate to consist of 50 members, elected for two years; assembly, 150 members, elected for one year.

Sec. 3. Apportionment.—The State is divided into 50 districts, each district to choose one senator.

Sec. 4. Enumeration, Senate Districts.—Enumeration shall be taken in 1905, and every 10 years thereafter; Senate districts shall contain equal number of inhabitants, and shall be altered after each enumeration, if necessary; no county shall have more than one-third, and no two adjoining counties shall have more than one-half of all senators. The ratio for apportioning Senators shall be obtained by dividing the number of inhabitants, aliens excluded, by 50. A county which already has three or more Senators shall have an additional Senator or Senators if it is so entitled by its ratio at the time of any apportionment, such additional increasing the total number of Senators beyond 50, but there must be a full ratio for each such Senator added.

Sec. 5. Assembly Districts.—Members of Assembly shall be apportioned among the counties according to population; the ratio of apportionment shall be obtained by dividing the number of inhabitants, aliens excepted, by 150. The apportionment of members shall be as follows: one member to every county whose population is less than one and one-half times the ratio; two members to every other county; the remaining members shall be apportioned, according to number of inhabitants, to those counties whose population, excluding

aliens, is greater than twice the ratio. Counties entitled to more than one member shall be divided into Assembly districts by supervisors, or by the common council, where a city and a county have the same boundaries.

Sec. 6. Salary.—Salary of each Assemblyman and Senator, \$1,500 per year, and a mileage of 10 cents in going to and from Albany once in every session.

Sec. 7. Civil appointments.—No member of the legislature shall receive any civil appointment within State or Senate of United States while he is a member of the legislature.

Sec. 8. Eligibility.—No member of Congress, civil or military officer of any city, shall be a member of the legislature.

Sec. 9. Election.—Tuesday following first Monday in November, unless otherwise ordered by the legislature.

Sec. 10. Quorum, Rules, Membership, Officers.—A majority to be a quorum in each house; each house to determine its own methods of doing business; each to be judge of the election or qualifications of its members; each house to choose its own officers; Senate to choose a president pro tem, to preside during absence of lieutenant-governor.

Sec. 11. Proceedings.—Each house to keep a journal of its proceeding; each house shall be open to the public; neither house shall adjourn for more than two days without consent of the other.

Sec. 12. Freedom of Debate.—For any speech in either house, the members shall not be questioned in any other place. No member shall be liable for slander or liable for any speech in the house.

Sec. 13. Originating Laws.—Any kind of bill may originate or be amended in either house.

Sec. 14. Enacting Clause.—"The people of the State of New York, represented in Senate and Assembly, do enact as follows:"

Sec. 15. Bills to be Printed, Number Necessary to Pass Law.—Each bill shall be printed and placed on desks of members, in its final form, at least three days prior to final passage, unless the governor certifies to the necessity of its immediate passage. In each house bills shall have a majority of all the members elected.

Sec. 16. Private Bills.—No private or local bill shall embrace more than one subject.

Sec. 18. Restriction on Power to Pass Local Laws.—On the following subjects the legislature shall have no power to pass laws affecting particular individuals or particular parts of the State, but may pass general laws affecting the whole State alike: (a) Changing names of individuals; (b) opening, closing, or changing roads; (c) changing county-seats; (d) changing place of trial in suits; (e) incorporating villages; (f) election of supervisors; (g) selection of jurors; (h) legal rate of interest; (i) conduct and places of elections; (j) increasing compensation of officer during term; (k) granting right to build railroads; (l) granting any exclusive privilege; (m) providing for building bridges, except over the Hudson river below Waterford or over East river, or over the boundary waters of the state.

Sec. 19. Private Claims.—The legislature shall not audit any private claim, but may appropriate money to pay the same.

Sec. 20. Private Appropriation Bills.—Bills appropriating public money for private purposes shall have two-thirds majority.

Sec. 21. Payment only after Appropriation.—No money of the State shall be paid out by the treasurer unless an appropriation bill has been passed for the purpose.

Sec. 22. Prohibiting "Riders" on Appropriation Bills.—No provision or enactment shall be included in appropriation bill unless it relates specifically to some appropriation in the bill.

Sec. 24. Tax Bill.—Every law which imposes a tax to state the tax and the object to which it is to be applied.

Sec. 25. Quorum for Money Bills.—On the final vote upon bills (1) laying a tax, (2) creating a public debt, (3) appropriating public money, or (4) releasing any claim of the State, the vote of each member shall be recorded, and three-fifths necessary shall constitute a quorum.

Sec. 29. Contract Labor in Prison Prohibited.—The legislature shall provide for the occupation and employment of all convicts, but convict labor shall not be employed directly or indirectly for the benefit of any person, firm, or corporation. The legislature may, however, provide that such labor shall be employed for the benefit or in the interest of the State or any political division thereof.

ARTICLE IV.

THE GOVERNOR AND LIEUTENANT-GOVERNOR.

Sec. 1. Office: Term.—Executive power of State shall be vested in governor. Term of governor and lieutenant-governor shall be two years.

Sec. 2. Eligibility.—No one eligible for governor or lieutenant-governor, unless a citizen of the United States, not less than 30 years of age, and a resident of New York State for five years preceding the election.

Sec. 3. Election.—Governor and lieutenant-governor shall be elected by people: in case of tie, Senate and Assembly shall elect them.

Sec. 4. Governor's Powers and Duties: Salary.—Governor shall be commander-in-chief of military forces, shall have

power to convene legislature or Senate in special session, shall send a message on necessities of the State to each legislature, shall transact necessary business with other officers of government, shall expedite all measures resolved upon by the legislature, and shall take care that the laws are faithfully executed. His salary shall be \$10,000.

Sec. 5. Pardons.—Governor shall have power to grant reprieves, commutations, and pardons to convicted criminals, except in cases of treason and impeachment.

Sec. 6. Lieutenant-Governor becoming Governor.—In case of impeachment, death, resignation, or disability of governor, lieutenant-governor shall become governor.

Sec. 7. Eligibility of Lieutenant-Governor: Gubernatorial Succession.—The conditions of eligibility for lieutenant-governor shall be the same as for governor. Lieutenant-governor shall be presiding officer in Senate. In case of impeachment, etc., of the lieutenant-governor, the president of the Senate shall act as governor as long as may be necessary; and in case of impeachment, etc., of the president of the Senate, the speaker of the Assembly shall act as governor.

Sec. 8. Salary of Lieutenant-Governor.—\$5000.

Sec. 9. Veto.—Bills passed by legislature shall be approved by governor before they can become law; governor shall have power to veto any bill; when vetoed, no bill shall become a law unless passed again by both houses, two-thirds of members elected voting for it; if governor fails to either approve or veto it within 10 days, the bill shall become law without his approval; bills in his hands at final adjournment not yet acted on by him shall not become laws without his approval, and he shall have 30 days to act.

ARTICLE V.

ADMINISTRATIVE STATE OFFICERS.

Sec. 1. Secretary of State; Comptroller; Treasurer; Attorney-General; State Engineer and Surveyor.—Elected at general election; shall hold office two years.

Sec. 3. Superintendent of Public Works.—Appointed by governor and Senate; holds office until end of governor's term; has charge of canals; may be removed by governor.

Sec. 3. Superintendent of State-prisons.—Appointed by governor and Senate; holds office for five years; has charge of state-prisons; may be removed by governor.

Sec. 5. State Lands; Canal Fund; Canal Board.—(a) Lieutenant governor, speaker of Assembly, secretary of State, comptroller, treasurer, attorney-general, and state engineer and surveyor are commissioners of the land office; (b) Lieutenant-governor, secretary of State, comptroller, treasurer, and attorney-general to be commissioners of the canal fund; (c) Canal board to consist of commissioners of canal fund, state engineer and surveyor, and superintendent of public works.

Sec. 7. Treasurer Suspended by Governor.—When legislature not in session, Governor has power to suspend treasurer for misconduct.

Sec. 9. Civil Service.—Appointments and promotions in the civil service of the State, and of all civil divisions thereof, including cities and villages, shall be based on merit and fitness ascertained so far as practicable through competitive examinations. Honorably discharged veterans of the civil war who are citizens and residents of this State shall be entitled to preference in appointment and promotion without regard to standing on civil service lists.

ARTICLE VI.

COURTS.

Sec. 1, 4, and 5. Supreme Court.—Supreme Court shall consist of the (46) justices in office in 1894 and 12 additional justices, together with the (6) judges of the Superior Court of the City of New York, the (6) judges of the Court of Common Pleas of the City and County of New York, the (3) judges of the Superior Court of Buffalo, and the (3) judges of the City Court of Brooklyn, which courts are to be abolished after 1895, after which their jurisdiction is to be vested in the Supreme Court. The successors of all these judges shall be elected as justices of the Supreme Court. Term of office shall be 14 years.

Sec. 2. Judicial Department—Appellate Divisions of the Supreme Court.—There shall be four judicial departments of the Supreme Court, the first of which is to consist of the County of New York. The Appellate division of the Supreme Court shall consist of seven justices in the first department and five in each of the others, to serve five years. The governor shall designate which of all the (76) justices shall serve, and which one shall be presiding justice in each department.

Sec. 4. Term of office; vacancies.—Elected for 14 years. Vacancies shall be filled for full term at next general election; governor may fill vacancy until election.

Sec. 7. Court of Appeals.—To consist of seven judges, elected by the people; to hold office 14 years; five necessary for a quorum; four to concur to render judgment.

Sec. 8. Vacancies.—Vacancies shall be filled at next general election occurring not less than three months after vacancy occurs, for a full term. Until it is so filled, the vacancy shall be filled by the governor, by and with the consent of the Senate.

Sec. 9. Jurisdiction of Court of Appeals shall be limited after 1895 to the review of questions of law, except where judgment is of death; shall not review unanimous decisions of the Appellate division of the Supreme Court. The right of appeal to this court shall not depend on amount of money involved.

Sec. 10. Other Office.—Judges of the Court of Appeals and Justices of the Supreme Court shall hold no other office.

Sec. 11. Removal of Judges.—A Judge of the Court of Appeals or a Justice of the Supreme Court may be removed by legislature on a two-thirds vote in each house; all other judges (except justices of the peace and judges of lowest courts) may be removed by the governor and Senate if two-thirds concur.

Sec. 12. Term.—No judge or justice of any court shall hold office after he is 70 years of age.

Sec. 13. Impeachment and Trial.—Assembly shall have power of impeachment; trial of impeachment shall be had before the lieutenant-governor, the Senate, and court of appeals sitting together; conviction only by vote of two-thirds; punishment shall be only removal from office, or removal and disqualification to hold any office under the State.

[For description of County Court, etc., see chapter on "Criminal Proceedings.]

Sec. 18. Inferior Local Courts.—(e. g., police courts; marine courts; etc), may be established by the legislature, but not as courts of record. The legislature shall not confer on any inferior or local court of its own creation, any equity jurisdiction, or any jurisdiction greater than that conferred by the Constitution on county courts.

Sec. 20. Fees: Restrictions.—No judge, except justices of the peace, shall receive any fee. No judges of the Court of Appeals, or justices of the Supreme Court, or county

judges, or surrogates in counties of over 120,000 inhabitants, may practice law. Only attorneys of this State shall be eligible for judicial positions.

Sec. 21. Publication of Law.—(a) The legislature shall provide for speedy publication of laws passed. (b) Any one may publish laws or judicial decisions free.

ARTICLE VII.

PROPERTY AND DEBTS OF THE STATE.

Sec. 1. Loan of State Credit.—State bonds shall never be given or loaned to anybody.

Sec. 2. Casual Debts.—The casual debts of the State for ordinary expenses shall not exceed at any time \$1,000,000; money thereby raised shall be applied only to the purpose for which it was raised.

Sec. 3. War Debts.—State may contract debts to repel invasion, suppress insurrection, or defend the State in war; money so raised to be applied only to the purpose for which it was raised.

Sec. 4. Other Debts.—No other state debt shall be contracted except by law, for a specified object; such law shall provide for an annual tax sufficient to pay off debt in 18 years; such law before taking effect shall be passed by the people at an election, after the legislature has passed it.

Sec. 7. Forest Reserves.—The State forest reserves shall be forever kept as wild forest lands; shall be neither leased, sold, nor exchanged; the timber shall be neither sold, removed, nor destroyed.

Sec. 8. Certain Canals not to be Sold or Leased.—The Erie Canal, Oswego Canal, Champlain Canal, Cayuga and Seneca Canal, and Black River Canal shall remain the property of the State and under its management forever.

Sec. 9. Canal Tolls.—There shall be no tolls upon the canals owned by the State.

Sec. 10. Canal Improvements.—Canals shall be improved as the legislature may provide. Cost of improvements shall be met (a) by a debt contracted according to sec. 4 of this article, or (b) by appropriation from State treasury, or (c) by equitable annual tax.

ARTICLE VIII.

USE OF PUBLIC FUNDS IN AID OF PRIVATE ENTERPRISES.

Sec. 4. Trustees of Savings Banks.—No trustee of such shall have any interest in the profits of such corporation.

Sec. 5. Specie Payment.—Legislature shall not suspend by law specie payment by a bank.

Sec. 7. Stockholders of Banks.—Such are responsible to amount of their respective shares for the bank's debts.

Sec. 9. State Funds.—Neither the funds nor credit of the State shall be given or loaned in aid of any private enterprise.

Sec. 10. Municipal Funds.—(a) No county, town, city, or village shall give or loan its funds or credit in aid of any private enterprise, or shall become an owner in any private corporation, or shall incur any indebtedness, except for municipal purposes. (b) Cities of 100,000 inhabitants, and counties containing them, shall not have debts exceeding ten per cent. of the valuation of the real estate in them.

Sec. 11 and 12. Charities; Commission in Lunacy; Commission of Prisons.—The legislature shall provide for the following boards and commissions: (a) State Board of Charities, to inspect all charitable, eleemosynary, correctional, or reformatory institutions; (b) a State Commission in Lunacy, to inspect all public and private in-

stitutions used for the care of the insane, not including institutions for epileptics and idiots ; (c) a State Commission of Prisons, to inspect all penal institutions. Members of these bodies to be appointed by the governor and senate ; may be removed for cause by the governor.

Sec. 14. Public Money for Private Institutions.—Payment of public money by counties, cities, towns and villages to the support of charitable and reformatory institutions wholly or partly under private care may be authorized, but not required, by the legislature. The State Board of Charities shall control such expenditures.

ARTICLE IX.

EDUCATION.

Sec. 1. Free Schools.—The legislature shall provide free schools for all children of the State.

Sec. 2. The University of the State of New York.—The corporation created in 1784 under the name of The Regents of the University of the State of New York, shall be continued under the name of The University of the State of New York. It shall be governed and its corporate powers shall be exercised by not less than nine regents.

Sec. 3. Common School, Literature, and United States Deposit Funds.—The capital of the common-school fund, the capital of the literature fund, and the capital of the United States deposit fund shall be preserved inviolate. The revenue of the common-school fund shall be applied to the support of common schools ; the revenue of the literature fund shall be applied to the support of academies, and the sum of \$25,000 of the revenues of the United States deposit fund shall be added each year to the capital of the common-school fund.

Sec. 4. Sectarian Schools.—No public property, credit, or money shall be used directly or indirectly in aid of sectarian schools.

ARTICLE X.

MISCELLANEOUS PROVISIONS.

Sec. 1. Sheriff, County Clerk, District-Attorney; Removals.—Each of these shall be elected by the people of the respective counties for three years, except in the counties of New York and Kings, where such officers shall be elected once in two or four years, as the legislature may direct. Sheriffs shall be ineligible for the next succeeding term. Any of these officers may be removed for misconduct by the governor.

Sec. 6. Political Year.—Officials to take office on January 1st. The legislature shall assemble every year on first Wednesday in January.

ARTICLE XI.

MILITIA.

Sec. 1. Militia.—All able bodied citizens (there are some exemptions) between the ages of 18 and 45 to constitute the militia.

Sec. 3. Organization of Militia.—The legislature shall organize and divide the militia into land and naval, and into active and reserve forces. A force of not less than 10,000 enlisted, uniformed, and equipped men shall be always ready for active service. Appropriations shall be made at each legislative session to maintain the militia.

Secs. 4 and 5. Appointment of Officers.—(a) Chiefs of staff departments, governor's aides-de-camp, and military

secretary shall be appointed by the governor to serve during his term of office. (b) All major-generals shall be appointed by governor. (c) The present mode of choosing or appointing all other commissioned and non-commissioned officers shall be changed only by a two-thirds vote of each house of the legislature.

Sec. 6. Removals.—No commissioned officer shall be removed during the term for which he was appointed unless for misconduct, (a) by the governor and the senate; (b) by court-martial, (c) on the findings of an examining board organized pursuant to law, (d) for absence without leave for six months.

ARTICLE XII.

CITIES.

Sec. 2. Classification of Cities.—First class, those having a population of 250,000 or more; second class, those having less than 250,000 inhabitants, but not less than 50,000; third class, all other cities. A special city act passed by the legislature must be submitted for acceptance to the municipal authorities of the city or cities concerned before it goes to the governor. If not accepted, it must be passed again by both houses of the legislature and signed by the governor before it can become a law.

Sec. 3. Election of City Officers.—Election of city officers in cities of first and second class, including supervisors, judges, and justices of inferior and local courts, and of county officers in the counties of New York and Kings, shall be held on the Tuesday succeeding the first Monday in November in odd-numbered years, and the term of office of all such officers shall expire at the end of an odd-numbered year.

ARTICLE XIII.

OATH OF OFFICE: BRIBERY AND OFFICIAL CORRUPTION.

Sec. 1. Oath of Office for members of the legislature (and for all officers, executive and judicial, except such inferior officers as the law exempts): "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of New York, and that I will faithfully discharge the duties of the office of———according to the best of my ability;

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed, or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote."

Secs. 2 and 3. Bribery and Corruption.—Any State official who shall accept a bribe, and any person who shall offer or promise a State official a bribe shall be guilty of a felony.

Sec. 5. Prohibiting Passes.—No State officer shall ask for, or to receive for himself or for another, any free pass, free transportation, franking privilege, or discrimination in passenger, telegraph, or telephone rates. Violation of this section shall be deemed a misdemeanor.

ARTICLE XIV.

AMENDMENT OF CONSTITUTION.

Sec. 1. How Made.—Amendments shall be proposed in the legislature, passed by both houses, passed again by the next legislature which shall contain an entirely new

Senate, then submitted at an election to the people; a majority in favor in each case being sufficient to become a part of the constitution on January 1st after the election.

Sec. 2. General Revision.—In 1916 and each twentieth year thereafter, and at any other time when the legislature thinks best, the question to be submitted to the people at an election, whether there shall be a convention to revise and amend the constitution; such new constitution, if made shall be thereafter submitted to the people for adoption or rejection.



Chapter XVII.

RELATION OF STATE AND NATIONAL GOVERNMENTS; POLITICAL PARTIES.

State and Government Compared.—The State is one thing; the government quite another. "The State is the corporate people; the government, a system of agents and powers that the people have either organized, or permitted to be organized, to carry on the public functions of society. Therefore, government is not an end but a means."

In our republic, local or state government exists the creature of the central government, by which it may be changed. "The two may be strictly co-ordinate, and so independent in their different spheres; or one may be dependent upon the other; or, if they are independent, one may employ the other as an agency."

Each State is independent in those matters which concern itself only; on the other hand, all States are subject to the common authority of the government in matters which concern all. All that comes under the head of international law, such as peace, war, and treaties, is reserved for the central government. "Foreign nations know nothing of the States, and deal only with central government. A federal union forms one State or power in relation to other powers, but many States in relation to internal administration."

The important powers that the United States constitution omits had been intrusted to the States. The States assist to keep the machinery of our national government

in motion. The United States constitution assumes that the state legislatures will attend to the qualifications for the electors of members of the House of Representatives, and that the States will appoint presidential electors. "The constitutions of all the States form a part of the constitution of the United States."

President Garfield once said, "It will not be denied that the State government touches the citizen and his interests twenty times where the national government touches him once."

Political Parties.—Alexander Hamilton's financial plan put the young American republic upon a sound foundation. It established confidence in our institutions at home and abroad. But there were people who objected to his measures and declared that the United States constitution nowhere gives Congress the right to charter a national bank, nor the right to pay the debts owed by States by taxation. Hamilton answered that Congress has the right "to make all laws which shall be necessary and proper for carrying into execution, the powers vested by the constitution in the government of the United States." This is known as the elastic clause of the constitution.

Hamilton, who headed the federal party, said that it was necessary to construe this clause loosely that the new government might be firmly started; Thomas Jefferson, who headed the anti-federal party, said that this clause would be a source of danger unless it were construed strictly. This was the origin of political parties in our country. The federal party was stronger in the North than in the South.

Political parties usually grow out of questions of legislation. Parties are formed to influence the passage of laws. But when the parties are once formed, their influence extends to the selection of officials of all grades,

even to those of a township. This party division is maintained to keep a party spirit and to secure official patronage.

Parties serve a good purpose. The party in power is responsible, in a large measure, for the commercial prosperity of the country. The party out of power holds in check the one in power. "The fact that a public man is a member of a certain party shows many of the views which he entertains and the principles which he may be expected to support."

The democratic party has had a continuous organization since the time of John Adams. It has been critical and conservative. The whig party arose in the thirties and advocated tariff for protection against European workingmen, and internal improvement at national cost. In 1856 the present republican party came forward as a prominent political organization, and grew out of two needs—the need of an agency to solve the slavery question, and the need of one to prevent the breaking up of the Union over that question. It has been the party of constructive measures.

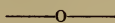
The anti-renters, a party in New York in 1841, resisted the collection of back rents on the Van Rensselaer manor. Barn-burners, New York, 1846, seceders from the democratic party, were opposed to the extension of slavery. Bucktails were staunch supporters of Madison. Conservatives flourished in 1837, were paper-money democrats. Doughfaces, were the northern members of Congress who voted for the Missouri compromise. Hunkers, like the barn-burners, were a faction of the democratic party in New York opposed to the extension of slavery. Know-Nothings was a party in New York in 1854, which was opposed to the naturalization of foreigners unless they had been in this country 21 years. In 1835, while the democrats were holding a convention in

New York City, the lights were put out. They were relighted with "locofoco matches," a recent invention. These democrats for ten years were called 'Locofocos.' The liberal republican party was formed in 1872 by some republicans joining the democrats in support of Greeley for president.

PRESIDENTS AND THEIR PARTIES.

Term.	Name.	Party.
1790-1797.....	George Washington	None
1797-1801.....	John Adams	Federal
1801-1809.....	Thomas Jefferson	Republican
1809-1817.....	James Madison	Republican
1817-1825.....	James Monroe	Republican
1825-1829.....	John Quincy Adams	None
1829-1837.....	Andrew Jackson	Democratic
1837-1841.....	Martin Van Buren	Democratic
1841-	Wm. Henry Harrison	Whig
1841-1845.....	John Tyler	Democratic
1845-1849.....	James K. Polk	Democratic
1849-1850.....	Zachary Taylor	Whig
1850 - 1853.....	Millard Fillmore	Whig
1853-1857.....	Franklin Pierce	Democratic
1857-1861.....	James Buchanan	Democratic
1861-1865.....	Abraham Lincoln	Republican
1865-1869.....	Andrew Johnson	Republican
1869-1877.....	Ulysses S. Grant	Republican
1877-1881.....	Rutherford B. Hayes	Republican
1881-	James A. Garfield	Republican
1881-1885.....	Chester A. Arthur	Republican
1885-1889.....	Grover Cleveland	Democratic
1889-1893.....	Benjamin Harrison	Republican
1893-1897.....	Grover Cleveland	Democratic
1897-1901.....	William McKinley	Republican
1901	Theodore Roosevelt	Republican

For a discussion of political machinery—caucuses, conventions, etc., see Chapter IV.



CIVICS.

Review Questions Issued by the Dep't of Public Instruction for the Training Class and Uniform Examinations.

Most questions in the following examinations that were duplicated have been omitted. In view of this fact, the questions make a searching review.

I.

In a common school district, (a) where is legislative power vested? (b) Where is executive power vested?

By what authority are (a) new counties organized; (b) new towns?

What are the principal duties of inspectors of election on election day?

The state constitution reads as follows: "No person shall be eligible to the legislature who at the time of his election is, or within one hundred days previous thereto has been, a member of congress or a civil or military officer under the United States." Give reason for such provision.

Name some of the principal purposes for which money is raised by tax to carry on the government of a town.

How is the salary of the president of the United States fixed? What does the constitution prescribe in regard to a change in his compensation?

The constitution provides that "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time." Give reasons for such provision.

Distinguish between an impeachment by the United States house of representatives and the trial of that impeachment by the senate.

How may a bill be passed over the president's veto?

Mention three powers denied to the states by the federal constitution.

2.

What is a constitution?

Who is constituted the presiding officer of the United States Senate, and when is he entitled to vote upon any question before the Senate?

What is the *right of suffrage*? Is it a natural or a civil right?

Name your Member of Assembly; your Congressman elect. How is the number of Presidential electors determined?

How many were elected at the last general election?

What is the "President's Message?"

What is the county legislature called, and how often does it meet?

Name five town officers, and mention a duty of each?

For how long a term is each of the following officers elected: (a) Governor? (b) Comptroller? (c) State Superintendent of Public Instruction? (d) Sheriff? (e) County Judge? Give two duties of each.

3.

Define *specific* and *ad valorem* duties.

Define (a) republic; (b) limited monarchy; (c) absolute monarchy.

Of what three departments does the government of the United States consist? What is the function of each?

(a) Distinguish between an appointive and an elective office. (b) Give an example of each in our State government.

What is a caucus?

Distinguish between direct and indirect taxation.

What is meant by the governor's power of veto? What is the purpose of this power?

Mention two Constitutional powers of the United States prohibited to the States.

Mention two privileges granted by the United States Constitution to members of Congress as individuals.

Mention three classes of cases in which the United States Courts have jurisdiction.

What is the Constitutional definition of treason, and what are the provisions as to the proof necessary to convict a person of treason?

4.

(a) Give the title of the presiding officer in each branch of the legislature. (b) How is each chosen? (c) State the privileges of each with reference to voting.

What provision does the State Constitution make (a) for its own amendment; (b) for its own revision?

Name three kinds of juries. Give the number composing each and a duty of each.

By what authority is each of the following political divisions organized: (a) State; (b) territory; (c) county; (d) city; (e) town.

Mention three officials of the town, one of the county, and one of the State, who have special duties in the matter of taxation. State the duty of each in this matter.

Define (a) pure democracy; (b) representative democracy. Give an illustration of each.

Explain the difference between the terms elector and Presidential elector.

(a) What is the highest Court of the United States? (b) Of how many justices does it consist?

What is a city charter?

Distinguish between voting by ballot and voting by acclamation.

5.

State how many (a) congressional districts there are in the State; (b) assembly; (c) senatorial.

How are postmasters of cities appointed?

How are Representatives in Congress apportioned among the States?

How many members compose the United States senate?

In what cases must Congress afford protection to the States?

What branch of the executive department of the national government has charge of foreign affairs?

Why are the accounts of the United States treasury department published from time to time?

Under what authority is the District of Columbia governed?

How many members of each branch of the State legislature shall constitute a quorum?

The American plan of government is that the States reserve to themselves as much power as possible, and delegate to the General Government only such powers as are absolutely necessary to a strong central government. Give two illustrations of this.

6.

How does the State constitution differ from that of the United States in its provision for original bills?

For what three general purposes may Congress levy taxes?

What check is placed upon the President in his action towards foreign powers—for example—in making treaties, appointing ambassadors, ministers, etc.?

(a) What is the salary of the Vice-President? What Legislative officers receive the same salary?

When shall the Lieutenant-Governor not act as a member of the Court of Impeachment? Why?

The sheriff is required by law to give bonds for the faithful performance of his duties. Why this requirement?

By whom are vacancies in the following offices filled : (a) County Judge? (b) County Treasurer; (c) School Commissioner?

(a) For what purpose are constitutional conventions in this State held? (b) By whom are the members of such convention chosen?

When the election of President and Vice-President goes to Congress, by whom is each elected?

(a) What is the salary of the Governor of this State?

(b) By what authority is it fixed? (c) How may it be changed?

7.

Name (a) the legislative officers of a village; (b) the executive officer.

State the qualifications for United States Senators as to (a) age; (b) residence; (c) citizenship.

(a) What is meant by the term joint ballot? (b) Mention an officer so elected in this State.

What are the principal duties of inspectors of election on election day?

The constitution reads as follows: "No person shall be eligible to the legislature who at the time of his election is, or within one hundred days previous thereto has been, a member of congress or a civil or military officer under the United States." Give reason for such provision.

Name some of the principal purposes for which money is raised by tax to carry on the government of a town.

Distinguished between an impeachment by the United States house of representatives and the trial of that impeachment by the senate.

How may a bill be passed over the president's veto?

Mention three powers denied to the states by the federal constitution.

What is the title of the highest executive officer of a county?

8.

Where is the highest judicial authority of the U. S. vested? Who appoints the various committees of the House of Representatives of the U. S.?

Who is the representative in Congress from your district?

How may new States be admitted into the Union?

Where is the power vested, under the constitution of the U. S., to declare war?

Why should the passage of an *ex post facto* law be forbidden by the constitution?

Define: (a) deed; (b) mortgage; (c) lien; (d) subpoena.

(a) What is the right of suffrage? (b) Name three classes wholly or partly deprived of it.

Name two purposes of taxing imported goods.

What determines the number of votes in the electoral college to which a State is entitled?

(a) What is an indirect tax? (b) Give an illustration.

Name three sources of internal revenue.

(a) When is a candidate in an election said to receive a majority vote? (b) When a plurality?

(a) In proportion to its population does New York or Rhode Island have the greater influence in electing the President of the United States? (b) Give reason for your answer.

State three purposes given in the preamble for which the constitution of the United States was framed?

Mention three constitutional qualifications for a member of the senate of (a) the United States; (b) the state of New York.

Give duties of (a) a supervisor as a town officer; (b) the board of supervisors.

9.

(a) How many years must a foreigner have been a resident of the United States before he is entitled to file his declaration of his intention to become a citizen? (b) How many years after making his declaration before he can become fully naturalized?

(a) Give the number of judges of the Court of Appeals of the state. (b) Mention one duty they are required to perform.

Why was the term of Representatives in Congress made so short?

Why does the constitution deny to the States the right to levy duties on imports?

How is the principle of State sovereignty recognized in the election of President by the electoral college?

How is the principle of State sovereignty recognized in the election of President by the House of Representatives?

How may new States be admitted into the union?

How is the number of senate and assembly districts in this State fixed?

What provision is made by the constitution to prevent the execution of unconstitutional laws?

What is government? What is civil government?

10.

Name three forms of national government now existing in the world, and define each.

- Give two reasons why laws are necessary.
From what nation did we get our common law? By what branch of the government is it interpreted?
What is civil law? Ecclesiastical law? Martial law?
In case a voter is challenged, what course must he pursue in order to vote?
State the constitutional provision as to religious tests.
State the main point of difference between the government under the Articles of Confederation and that under the Constitution.
What one power is essential to every government?
(a) Do all who pay taxes receive benefit in return? (b) Give reason for your answer.
Judges are elected for longer terms than executive officers. What reason is there for this?

II.

- What is the duty of each house of Congress (a) as to its rules, (b) as to its records, (c) as to its adjournment?
What is done if no candidate for the Vice-Presidency receives a majority of the electoral vote?
Describe two methods of proposing amendments to the National Constitution.
Define the following: (a) constitution; (b) indictment; (c) subpoena; (d) mortgage.
The constitution of the State of New York commences with a declaration of the rights of citizens. Mention five of these rights.
(a) State an objection to the election of President by popular vote. (b) State an advantage.
Mention two personal and three residence qualifications of a voter in this State.
Compare the highest Court of the State with the highest Court of the United States as to (a) the name; (b) the number of members; (c) the manner of selecting members.
Mention three powers denied to the United States by the constitution, and two powers denied to the States.
(a) Why was the official term of representatives in Congress made short? (b) Why was the official term of senators made much longer than that of representatives?

12.

- Designate two provisions of the national constitution that are the result of compromise, and, in each case, state the conflicting claims that led to the compromise.
Define the following terms: alien, citizen, resident, voter.
Name five political divisions or districts of the state.
Mention an official of each.

What was the first purpose for establishing the national constitution as set forth in the preamble? Show that the desired result has been attained.

Mention two special powers of each house of congress other than those pertaining to organization.

What are the general duties of regular legislative committees? Name three such committees.

Define the terms eminent domain, warrant, copyright, patent. Mention two provisions of law to prevent bribery at elections.

What is the general purpose of state commissions as provided for in the constitution? Mention three such commissions.

By whom may the following officers be removed: (a) governor; (b) school commissioner; (c) county clerk?

Give the plan of a lesson to develop the necessity for taxation.

Does a citizen of any state owe first allegiance to his own state or to the United States? Give reason for your answer.

13.

State three rights assured by the constitution to all persons in this country accused of crime.

To whom does the national constitution give the power to grant reprieves and pardons? What exception is made in regard to this power?

State two reasons for which inspectors of election in this state may reject a vote.

State three ways in which a bill which is presented in the legislature of this state may fail to become a law.

Define (a) poll tax, (b) license tax, (c) internal revenue.

State two purposes for which the governor of New York may call out the militia.

State (a) the chief duty of the coroner, (b) his term of office. (c) In what manner is his compensation determined?

(a) Name two of the Courts of a county. (b) State the general jurisdiction of each.

Discuss the question: Should there be an educational qualification for voters?

Name three principal sources of internal revenue. Give two sources of national income, other than internal revenue.

14.

On what date do the terms of elective national officers begin; elective state officers?

Mention three civil and two political rights possessed by citizens of a state.

CIVICS AND SCHOOL LAW.

Name three subdivisions, or bureaus, of the department of the interior; two of the treasury department.

Describe the usual method of amending the state constitution. What provision does the state constitution make for its own revision?

Mention an office filled by a resident of your vicinity acting (a) for the United States; (b) for the state; (c) for the county; (d) for the village; (e) for the town.

Distinguish between constitutional law, common law, statute law. Arrange in order of precedence.

Outline a lesson to show the necessity of a judicial department in a government.

In prosecutions for felony what are the duties of (a) the grand jury; (b) the judge; (c) the district attorney; (d) the petit jury?

Enumerate five principal items of county expenditure.

"Should United States senators be elected by the people?" Discuss.

Outline a lesson illustrating the close relation existing between national, state and local government.

15.

Describe the course of a bill until it becomes a law (a) with the approval of the governor; (b) over his veto.

Into what classes does the constitution divide the cities of the state? Define each class.

Mention three safeguards guaranteed by the constitution to persons accused of crime.

Mention three sources of state revenue.

Define *habeas corpus*. Under what conditions may this right be suspended? Why?

In prosecutions for felony two different juries act. Describe each as to (a) name; (b) number of members; (c) duties. Why are judicial officers usually elected for longer terms than executive officers?

Mention two political subdivisions of a town and name the chief officer of each.

Outline a lesson developing the method of town taxation. Give in order the steps taken in nominating a party candidate for the presidency of the United States.

16.

Mention five civil rights guaranteed to citizens by the national constitution.

What special privileges are given by the constitution to members of Congress? Give reason for this provision.

What is meant by a sovereign power? Name three such powers of the national government.

Describe the main features of the present system of voting at state elections and mention two advantages of the system.

Certain officers are required to give bonds. State the reason, and name such an officer of (a) a county; (b) a city; (c) the state.

Discuss the question, *Should there be a property qualification for voters?*

Describe a civil suit, properly using the following terms: subpoena, execution, plaintiff, summons, counsel, defendant, verdict, witness, juror, constable.

Outline a plan for general work in civics in an ungraded school.

Show the difference between direct and indirect taxation and give an example of each.

Define eminent domain, habeas corpus, grand jury, warrant, naturalization.

17.

Give a general description of the judicial department of the United States government.

Mention three principal items of state expenditure.

State the advantages of limiting the president to one term of six years.

Mention three restrictions imposed upon the states by the national constitution and give reasons for each.

Outline a lesson on the school district.

What is meant by (a) town meeting; (b) charter election.

(c) How often does each occur in this state?

What is the fundamental law of this state?

(a) Name two political rights which every male citizen of the state may possess. (b) Name one political duty.

(a) How is the power of cabinet officers limited? (b) The power of Congress.

How does registration of voters prior to election tend to prevent fraud at the elections?

18.

Name three county officers who may be removed by the governor.

(a) In what instrument are the powers of a city defined?

(b) How does the city obtain this instrument?

(a) Name three courts of this state; (b) state whether the jurisdiction of each is original or appellate, or both.

In the lower house of Congress, how is a vacancy in the representation of any state filled?

(a) Name a town officer whose term of office is four years.

(b) Give three important duties he is required to perform.

The electors of members of the United States House of Representatives "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." Account for the origin of this provision.

Give one argument in favor of placing the execution of the laws of the government in the hands of one chief executive. "All bills for raising revenue shall originate in the House of Representatives." What does the term "raising revenue" mean?

The state constitution provides that no member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof, except in one or two cases. State one of these cases.

What provision in the state constitution lead to the discussion of the constitutionality of the law permitting women to vote for school commissioner?

19.

What provision of the state constitution determines where students attending school shall vote?

What is the duty of excise commissioners?

(a) What was the purpose of the framers of the constitution in providing that the president should be chosen by electors rather than by popular vote? (b) Has their purpose been realized in this matter? (c) Give reason for your answer.

(a) Who, according to the constitution, are citizens of the United States? (b) What law, with reference to citizens of the United States, is each state forbidden by the constitution to make?

What has been the uniform method of adopting amendments to the national constitution?

In general, a majority of the members chosen to each house of the state legislature constitutes a quorum to do business. State an exception to this rule.

Name two officers with whom certificates of election returns are deposited by inspectors of election.

Distinguish between concurrent action and joint action of the senate and assembly.

Give reasons for and against educational qualification for suffrage.

The constitution declares that no state shall enter into any agreement or compact with a foreign power. Give a reason for this restriction.

Name two rights which are denied to aliens residing in this state.

20.

Who are qualified to vote upon amendments to the state constitution?

What remedy has a person whose property is affected in case the government exercises its right of eminent domain?

Mention three classes of cases in which the United States courts have jurisdiction.

What is meant by reciprocity between two nations?

Mention two powers given by the constitution to the State senate but not to the assembly.

Give the title of the chief officer of the house of representatives, and state two important duties he is called upon to perform.

Give in order the successive steps in nominating a candidate for president of the United States.

Under the constitution, a citizen of New York visiting any other state in the Union is entitled to what privileges and immunities?

May the people of this state establish a monarchical government? Give reason for your answer.

The state constitution declares that the legislature shall not admit any private claim against the state nor grant any extra compensation to any public officer or contractor. Give reasons for these prohibitions.

21.

Distinguish between statute law and common law.

Mention two means taken to prevent fraudulent voting.

In New York what officer of a county administers the oath of office to newly elected county officers?

The state constitution divides the cities of New York into three classes. (a) What are the cities of the first class?

Explain in detail the process of nominating and electing a town or ward officer in this state.

The constitution provides that Congress shall have power "To regulate commerce with foreign nations and among the states," etc. Mention two laws enacted by Congress under the authority of the clause above quoted.

It is within the power of each house of Congress to expel a member. What vote is required in such cases?

What is a party platform, and by what authority is it formulated?

Give two reasons why the postal service of the United States should be controlled by the general government instead of by the several states.

The constitution provides that Congress shall have power "To borrow money on the credit of the United States."

Mention one method of borrowing money for the use of the government.

22.

To which of the executive departments of the United States government does each of the following named offices belong:—(a) United States consuls? (b) Pension agents? (c) United States marshals? (d) Collector of the port? (e) Post-master?

The constitution provides that, "The Congress shall have power to levy and collect taxes, duties, imposts, exercises, etc." (a) Distinguish between duties and excises. (b) What name is now generally given to excises?

(a) By what authority are the several executive departments of the United States government created? (b) The heads of these several departments comprise what?

What does the constitution of the United States declare in regard to bail, fines, and punishment?

(a) What is a court of original jurisdiction? (b) What is an appellate court?

(a) How are petit juries selected; (b) how often; (c) what are their duties?

State the constitutional qualifications of a voter in this State (a) as to age, (b) residence in the State, (c) residence in the election district.

State three ways by which a bill may become a law after having passed both houses of congress.

What at present is the chief source of national revenue?

In case no person receives a majority of the votes of the electoral college for president, what does the constitution prescribe shall be done?

23.

(a) What is the chief duty of every government to its citizens? (b) What is the chief duty of every citizen to his government?

Distinguish between a republic and a pure democracy.

What danger is connected with the president's power of appointment?

State two acts by which a qualified voter may forfeit his right to vote.

State two powers of the legislature beside the enacting of laws.

(a) What is the chief duty of the Superintendent of Public Works? (b) How does he receive office?

If the courts declare a statute to be in whole or in part unconstitutional, what is the effect of such declaration?

(a) What right does the State Constitution guarantee to its citizens in regard to free speech and press? (b) What restriction is placed upon this right?

State two restrictions which the Constitution of New York places upon the legislature.

Give the titles of two boards or commissions appointed by the Governor, and state the principal duties of one of them.

24.

What constitutional provision insures that a certain portion of the United States Senate shall consist of experienced members?

(a) What is law as applied to human society? (b) Can there be society without law? Give reason for your answer.

What is the necessity for courts of appellate jurisdiction?

What is the duty of the board of supervisors in regard to the assessments in the several towns and cities of the county?

Name in order the three persons upon whom, according to the State Constitution, the powers and duties of the office of governor respectively devolve in case of the death or disability of the governor.

What is the duty of legislative committees in regard to bills referred to them?

What is the jurisdiction of a justice of the peace (a) as to the amount of money involved, (b) in regard to persons charged with crime?

(a) How does the State Board of Railroad Commissioners receive office? What is the power of this board as (b) the books and affairs of railroad companies; (c) in case of railroad accidents or criminal negligence?

Name three classes of cases that can be tried before the United States court.

What persons are prohibited by the national Constitution from being presidential electors?

25.

Name four leading departments common to city governments.

Some of the work of the legislature in this State is done by committees. What is the purpose of this?

(a) What is meant by an accessory to a crime? (b) In general how is an accessory to a crime punished?

(a) Who are entitled to take part in the organization of the senate and assembly? (b) How is the validity of the election of members of the legislature decided?

- (a) What is a capital offence? (b) State two rights which the Constitution guarantees to accused persons.
 The Constitution declares that the president's compensation shall neither be increased nor decreased during his term of office. Give the reason for this prohibition.
- (a) What power has congress as to coinage? (b) Why should such power be given to congress?
 (a) Define copyright. (b) What is the purpose of the government in granting copyrights?
 (a) State an objection to election by majority. (b) To election by plurality.
 Define (a) alien. (b) Naturalization.

26.

Name five subjects on which congress may legislate.

- (a) What provision does the State Constitution make for its own amendment; (b) for its own revision?

The Constitution declares that members of Congress shall in certain cases be exempt from arrest. Give reason for this provision.

- (a) How can a disagreement between two States be settled?
 (b) For what purpose is the Court of Claims?

Ordinarily a bill, having passed both houses, becomes a law, if the overnор neglects to sign it within ten days. What exception is there to this rule?

Most officers of this State are required to take oath of office.

What are the three chief affirmations of this oath?

What power in this State is higher than the authority of the legislature?

What are three duties of the Speaker of the House of Representatives?

Give (a) one reason for, and (b) one against exempting personal property from taxation.

What is meant by a tariff for revenue only?

27.

State three reasons why cities need different government from the country.

- (a) How often and in what manner are grand jurors selected; (b) what are their duties.

(a) Is the benefit received by taxpayers in proportion to the amounts paid? (b) Give reason for your answer.

- (a) Name two duties of overseers of the poor. (b) What is their term of office?

Name two boards, or commissions, that are appointed by the governor, and state the duties of each.

- (a) What is the result to a person if the decision is against him in a civil action; (b) in a criminal action?

(a) Is ignorance of a law excuse for violating it? (b) Give reason for your answer.

If the legislature should pass a law which violates the State Constitution, how could it be made of no effect?

What is the duty of the United States to every State in regard to (a) form of government, (b) invasion, (c) insurrection?

(a) What is a contract? (b) State two things necessary to the validity of a contract.

28.

Explain what is meant by a congressman-at-large.

(a) How often does the State constitution declare a census must be taken in this State? (b) State some purpose of a State census.

(a) State the place and date of the annual meeting of the legislature. (b) How may an extra session of the legislature be called?

Name two authorities by which the power of the State legislature is restricted.

(a) What power has congress over the territories? (b) How may new States be admitted to the Union?

If a vacancy occurs in the office of United States senator when the legislature is not in session, how is the vacancy filled and for how long?

The certification of what officer is necessary to an official ballot at a general election?

State two reasons for which inspectors of election have a right to reject votes.

(a) What census is the basis for enumeration for senate districts in this State? (b) How is the ratio of apportioning senators obtained?

(a) To how many delegates in Congress is each organized territory entitled? (b) What privileges have they?

29.

The Constitution declares that no State shall enter into any alliance or confederation with any foreign State. Give reason for this prohibition.

(a) Before a person can be brought to trial for an infamous crime, what does the Constitution declare shall be done?

(b) What is the purpose of this provision?

(a) What is the duty of the grand jury? (b) How many of a grand jury must concur to find an indictment? (c) Are its sessions public or private? Give reason for the last answer.

What is meant by (a) majority and (b) plurality in an election?

- (a) Are courts of any service to people who never come before them? (b) Give reason for your answer.
- (a) Distinguish between a pure democracy and government by representation. (b) Would the former be possible in this country? (c) Give reasons for your answer.
- What constitutes the electoral college?
- What powers are granted to Congress by the Constitution over (a) postal affairs; (b) money; (c) taxes; (d) the District of Columbia?
- What is meant by protective tariff?

30.

- Distinguish between an indictment and a conviction.
- (a) Should an owner of property who has no children be obliged to pay a school tax? (b) Give reason for your answer.
- (a) What is direct taxation? (b) Illustrate.
- It is not considered good policy for a government to tax its own bonds. Why is this so?
- (a) What is an *ex post facto* law? (b) Why does the Constitution forbid such laws?
- Mention two powers which the Constitution gives to either house in case less than a majority is present.
- Why is government justified in imposing taxes?
- According to the United States Constitution, who are citizens?
- "No tax or duty shall be laid on articles exported from any State" (U. S. Constitution). Why this provision?
- By what authority is (a) the number of Senate and Assembly districts determined in this State? (b) The number of Representatives in Congress?

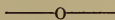
31.

- What is a census?
- State two advantages of a republican form of government over that of a monarchy.
- What is the connecting bond or unit between (a) the village and county governments; (b) the town and State governments?
- (a) What is meant by a blanket ballot? (b) What is a paster ballot?
- Congress shall have power to raise and support an army. Why was this power made a part of the constitution?
- (a) Define taxes. (b) State two objects for which taxes are rightfully imposed upon a community.
- Name one duty of a Surrogate.
- Deeds of real estate and mortgages on the same should be recorder (a) Why? (b) Where?

Under the supervision of which of the cabinet officers does the management of each of the following come: (a) foreign affairs; (b) Indian affairs?

Rules of naturalization are uniform throughout the United State. How is this uniformity secured?

Name two town officers and state one duty of each.



SCHOOL LAW.

I.

(a) Who is the Superintendent of Public Instruction elect?

(b) What is the length of his term of office? (c) When was he elected? (d) How was he elected?

Give three causes for which a school commissioner may annul a teacher's certificate.

What is a "joint school district?"

Under the supervision of what school commissioner is the school in a joint school district?

(a) What is the least time that a public school must be taught each school year, to entitle it to share in the public school moneys? (b) What days upon which school is not actually taught may be taken as part of such time?

Who is responsible for the safe keeping of the school register during the term of school?

What defines and limits the business that may be brought before a special school meeting?

How long a time must a teacher have taught, to be eligible to a certificate of the second grade? To one of the first grade?

What is the regulation of the Department of Public Instruction in regard to the endorsing of teachers' certificates, by school commissioners?

The law requires trustees to employ a janitor for the school-house. Under what condition only can the teacher be required to perform such services?

How often and at what election are school commissioners elected?

2.

State two additional qualifications that a legal voter at a general election may possess, either one of which will enable him to vote at school meetings.

What is the time for the holding of the annual school meeting?

What is the limitation as to the business which may be transacted at a special school meeting?

To whom does the county treasurer pay the school money apportioned to a town?

During a term of school, who is responsible for the safe-keeping of the school register?

Who changes the boundaries of school districts when the trustees of said districts consent?

What officer appoints a trustee in cases where a vacancy has existed for more than thirty days?

Name a certificate which is signed and issued by the State superintendent.

If a school commissioner should annul a teacher's certificate without just cause what remedy has such teacher?

Why does the compulsory education law contain the expression "in attendance upon instruction," instead of attendance at school?

3.

Under what conditions does a teacher not possess the legal right to inflict corporal punishment?

State the provisions of the school law in relation to: *a*) the legal qualifications a teacher must possess in order to contract; *b*) the period for which a contract may be made; *c*) the payment of a teacher's salary.

a) Name three purposes for which a trustee may make an expenditure without a vote of the district, and *b*) the amount that he may expend in each of such cases.

If a child required to attend upon instruction under the compulsory education law attends a private school, what is *a*) the yearly minimum period for which he must attend, and *b*) what must be the character of the instruction?

What is the provision of school law relative to the right of a trustee to raise money by tax for teachers' salaries without a vote of the district?

Has a school district the power to limit the authority of trustees as to *a*) choice of teachers; *b*) salary of teachers; *c*) term of service of teachers.

Upon what two bases is the apportionment of state school moneys to a school district based?

Name five powers of *a*) a school commissioner; *b*) a school district meeting.

(*a*) In whom is the power to select teachers and to determine their salaries vested? (*b*) Can this power be taken from such officers by any action of the district meeting?

(*a*) When may a school commissioner condemn a school-house? (*b*) what amount may he direct shall be expended in erecting a new building?

4.

(a) Name a duty, executive in character, of the state superintendent of public instruction. (b) A judicial duty.

(a) Name two town officers who have duties to perform relating to the school system. (b) Name one duty of each of such officers.

In what subjects does the compulsory education law provide instruction shall be given?

Name three purposes for which expenditures may be made by trustees without a vote of the district and the amount that may be expended in each of such cases.

State three special qualifications of a teacher one of which is necessary to employment in the primary or grammar schools of any city in this state.

What certificate is necessary to legalize the employment of children between the ages of twelve and fourteen during the time the public school of the district in which they reside is in session.

Define (a) common school fund. (b) Free school fund. (c) United States deposit fund.

Give information on the following question relating to the office of school commissioner: (a) how chosen; (b) salary; (c) term of office.

Give information on the following questions relating to the office of State Superintendent of Public Instruction: (a) how chosen; (b) salary; (c) term of office.

What is the difference between the *suspension* of a pupil and the *expulsion* of a pupil?

5.

Have the trustees of a district the legal right to establish a rule prohibiting the teachers of such district from inflicting corporal punishment?

What officer has the power to create a new school district?

What should a trustee do with the tax list and warrant after it has been returned to him by the collector?

On what days does the law provide that school shall not be in session?

Has a teacher a legal authority over pupils on their way to and from school?

Name a duty in connection with the educational system imposed on (a) a supervisor of a town, (b) a county treasurer.

(a) In what schools does the law direct that the nature and effects of alcoholic stimulants and narcotics shall be taught? (b) what does the law prescribe in regard to the thoroughness with which this subject shall be taught?

(a) What does the law prescribe as the minimum length of time for which every public school must be maintained during each year?

If a child shall attend upon instruction elsewhere than at a public school for how many hours per day does the statute prescribe that he shall attend upon such instruction?

State two duties of district collector.

6.

Name two civil officers ineligible to the office of trustee. State the provisions of the compulsory education law relating to the attendance of children between the ages of fourteen and sixteen.

(a) Whose duty is it to appoint attendance officers for towns?

If the public money of the district is paid to a person not legally entitled to receive it, what remedy has the district?

What conditions are necessary that a school district may receive money from the general state apportionment?

What is the only cause for which a school commissioner may annul a teacher's certificate of any grade?

If an unqualified person votes at a school meeting what penalty may be imposed?

During a term of school, who is the legal custodian of the school register, and responsible for its safe keeping?

A contract to teach made separately with each member of the board of trustees is not valid. What is the purpose of this provision?

What pupils must, according to law, be provided with suitable text-books from which to study the effects of stimulants and narcotics?

7.

If a schoolhouse is condemned by a school commissioner, what is the duty of the trustee or trustees in case the district does not vote a tax for a new building within thirty days after the holding of the first meeting?

What reasons only are sufficient to justify the dismissal of a teacher during his term of employment.

Instead of maintaining a school, what other course is open to the electors of a school district?

In what case only are the official acts of two of three trustees binding in the district?

Who has the power to prescribe the course of study to be pursued in the school of any district?

At least what subjects must be taught in a school that it may meet the requirements established by the compulsory education law?

In what case may a truant officer arrest a child?

In whom is the legislative power of a common school district vested?

(a) What officer of a common school district is entitled to pay? (b) How is he compensated?

(a) What is the amount of a district quota? (b) what is the basis of its distribution?

8.

What is (a) the longest and (b) the shortest time for which a trustee may engage a teacher, except to fill out an unexpired term?

How may the time for which a teacher may be engaged be limited by his certificate?

State a duty of the teacher in regard to the enforcement of the compulsory education law as required (a) by statute, (b) by regulation of the State superintendent of public instruction.

What is the process, as prescribed by law, for calling a special school meeting in a common school district?

State two ways in which a vacancy in the office of school trustee may be filled.

How much of the text-book in physiology and hygiene shall be given to the nature and effects of alcoholic drinks and other narcotics (a) in the grades below the high school, (b) in high schools?

By whom are attendance officers appointed (a) in cities, (b) in union free schools, (c) in towns?

(a) When does Arbor day occur? (b) What exercises shall be observed on Arbor day by the school children?

(a) How many inspectors of election are chosen at a common school district meeting; (b) what are the duties of the inspectors?

How are library moneys apportioned to the school districts?

When one district contracts with another for the instruction of its children, what public money does (a) the former receive, (b) the latter?

9.

Name the date on which the (a) school year begins; (b) school year ends; (c) annual school meeting is held.

What is the provision of the school law regarding janitor's work?

Name the duties of a town clerk, relative to the public schools.

On whose authority does the supervisor pay out school money?

When shall the school commissioner apportion and divide the State school moneys?

What is the penalty for willful failure (a) of a teacher to attend the teacher's institute; (b) of a trustee to close school during the holding of the institute?

What is the greatest length of time that the law permits a pupil to be suspended from school without commitment to a truant school?

What is meant by the "public money" of a school district? (a) To what rights are the holders of state schoolships in Cornell university entitled? (b) How many of these scholarships are awarded annually?

What town officer (a) receives the school money due a town; (b) preserves the records of the school districts in a town?

10.

Trustees are required to make an annual report. (a) To what officer must it be made; (b) when must it be dated; (c) with what officer must it be filed?

What experience in teaching must a teacher have had to be eligible to receive a certificate (a) of the second grade; (b) of the first grade?

Under what conditions only is a teacher required to do the janitor's work?

By what vote may a district change (a) from three trustees to one; (b) from one trustee to three?

To what exemption from regular tuition is a non-resident taxpayer entitled?

State the legal qualifications of a teacher as to (a) age; (b) certificate.

In a common school who has the authority to establish rule for the government and discipline of the school?

Give the longest time for which a teacher may be hired in advance.

What is the collector's fee (a) for receiving taxes; (b) for collecting them?

Mention two causes for which a trustee would be justified in removing a teacher.

11.

What school district officer is required to give a bond?

What authority fixes the amount of the bond?

- Mention a duty of the State Superintendent relating to (a) the financial support of the schools; (b) the professional training of teachers; (c) the licensing of teachers.
- Mention the three general and one of the four special qualifications that entitle a person to vote at a school meeting.
- Name three officers through whose hands the State school money passes.
- Mention the special advantages to the teacher from having the contract of hiring in writing.
- Upon what twofold basis is the State school money apportioned by the State Superintendent?
- Mention three duties of a school commissioner relating to training classes.
- Give the main provisions of the "Flag law."
- State five restrictions upon the power of trustees in hiring and paying teachers.
- Give the regulations relating to a uniform certificate of the first grade as to (a) experience needed; (b) number of trials; (c) subjects; (d) standings.

12.

- Mention two important powers of the trustee relating to daily work in the schoolroom.
- Mention two parties who may be fined for failure to comply with the provisions of the compulsory attendance law. State the conditions under which they may be fined and the maximum fine in each case.
- How are vacancies filled in the office of (a) school commissioner; (b) trustee; (c) district collector?
- Mention two personal qualifications required of all school district officers. What additional qualification is required of a district treasurer?
- Give the substances of regulations governing training classes, touching the following points: room, number of members, weeks of instruction in a year, observation, practice.
- Give the reasons why the record of school attendance should be accurately kept.
- State the amount of public money apportioned to a city or village toward the salary of a superintendent. On what two conditions is it apportioned?
- What details must be shown by the teacher's record of attendance of pupils who are between eight and sixteen years of age?
- Mention the two important points of the pledge signed by candidates on entering a training class.
- Describe the annual school meeting as to (a) time and place of holding; (b) reports made; (c) district officers elected.

13.

- Mention three provisions of the law by which a school district may enter into contract for the instruction of its pupils in another district? What is the object of this law?
- Specify two written reports that should be submitted at the annual school meeting and mention three items in one of them.
- What details of the plan of a new school house must be officially approved before the plan is finally adopted? What official must approve them?
- Mention three officials who have judicial power in school matters.
- Mention three of the special sums that the State Superintendent is required to set before making the general apportionment.
- What is meant by the legal term "qualified teacher"?
- Name three provisions of the "Health and Decency Act."
- What items should a memorandum of "Hiring" contain.
- Under what condition is it a misdemeanor for a trustee to give to a duly qualified teacher an order for salary legally due?
- Mention two documents relating to school district matters that must be filed with a town officer and name such officer.

14.

- Mention the qualifications that render a teacher eligible to appointment as a training class instructor.
- Trustees are required to make two written reports annually. To whom is each report made?
- How may a school-house unfit for school purposes be condemned?
- By what several authorities may teachers be legally qualified to teach in the public schools in this State?
- How are school commissioners elected? For how long?
- When does the next general election of school commissioners occur? On what date will those then elected assume the duties of their office?
- Name two conditions under either of which a school district is entitled to a district quota.
- State three of the duties imposed by school law upon the town clerk.
- What two annual reports is the school district collector required to make?
- If the district meeting fails to vote a tax to pay the teacher's wages, what duty does the law impose upon the trustee?
- Mention five different kinds of teachers' certificates and state by whom each is issued.

15.

In the apportionment of school moneys, what provision is designed (a) to encourage the employment of a sufficient number of teachers? (b) to increase the attendance of pupils?

For how long a time may a pupil be suspended from school (a) by the teacher? (b) by the trustee?

A school is closed for a teachers' institute. How should the teacher give the district credit for that week's attendance, in the aggregate for the term?

What school officers can take the teacher's affidavit to the correctness of the register?

What security is provided against the employment of teachers of immoral character?

State fully the qualifications that a teacher must possess to obtain a second grade certificate under the uniform system of examinations.

Has a trustee or trustees the power to determine in what manner a teacher shall punish pupils?

How may a common school district determine to elect a treasurer?

If a person offering to vote at school meeting is challenged, what course must he pursue in order that his vote may be received?

What persons are eligible to the office of school commissioner but are not eligible to any other elective office of the State or county?

16.

In all propositions arising at school district meetings involving the expenditure of money, in which of two ways must the vote be taken?

State five specific purposes for which a school district meeting may vote a tax?

If a teacher is absent from school without the consent of the trustee, what is the effect upon his contract?

(a) In case of a vacancy in the office of school commissioner what officer has the power of appointment? (b) For how long a time does the appointee hold the office?

What heading must be prefixed to every legal school tax list?

What authority selects the text-books (a) in Union school districts? (b) in common school districts?

If the officers of any school district shall wilfully disobey an order or decision of the superintendent, what is the penalty?

For what causes may the State superintendent remove a school commissioner from office?

What officer has the final decision in all disputes concerning the election of school district officers?

(a) To what official does the school district trustee make an annual report? (b) When must it be dated? (c) with what officer is it to be deposited?

Trace the State school money from the State treasury to the school teacher, naming the officers in order having custody of the same.

17.

How must district officers be chosen?

What school district officers are required to give bonds?

How may a school district change from three trustees to a sole trustee?

State four duties of a school commissioner.

Who may call a meeting of the trustees of a common school district, and how may it be done?

State the provisions of the law in relation to the display of the United States flag on the school grounds.

What qualifications are required to make a person eligible to school district offices?

Why should the teacher insist on a written contract?

Mention the school district officers elected at the annual school meeting and the term of office of each.

In a district having a sole trustee, if the voters at an annual meeting fail to elect, who legally has power to act as trustee?

18.

How often does the law require that the teacher shall make affidavit to the correctness of the record of attendance?

(a) Can a district meeting of a school district decide who the teacher of such district shall be? (b) Who is the proper person to decide such question?

When can a trustee require a teacher to do the janitor work?

State all the duties of a teacher in relation to keeping a register of attendance of pupils?

Can a teacher legally make up lost time on a legal holiday or Saturday?

What provision is made by law for the insurance of school buildings and other school property?

(a) How is the office of collector filled in a common school district? (a) In a union free school district?

Upon what three officers may a trustee issue an order for the payment of teachers' wages?

By what method must all the officers of a common school district be elected?

(a) Who is the proper authority to establish regulations for the government and discipline of a school? (b) who is the

proper authority to determine the method of punishment that may be inflicted upon pupils?

19.

What remedy has the teacher in case the parent insists on disturbing the work of the school?

Name two causes for which a district may forfeit all or part of its public money.

In a district having three trustees, when can two of them legally do business?

Does the compulsory attendance law deprive the teacher or trustee of the power of suspension? Explain your answer.

Where does the authority of the teacher over the pupil begin and end?

Name the six kinds of teachers' license in this State; state the conditions upon which each is granted, and the length of time for which each is valid.

(a) What officers apportion the public school moneys among the school districts of the several counties; (b) upon what statistics?

No public school shall be taught on a legal holiday or on Saturday. If a teacher lose a day from any cause, when should such lost time be made up?

(a) Give the date prior to which all school moneys belonging to a district should be drawn from the hands of the supervisor. (b) If there be money belonging to any district in his hands at such time, what is done with it?

(a) For what school officers may women vote under certain qualifications? (b) State three of these qualifications.

20.

By whom is the division of a school commissioner district made?

(a) Name two purposes of the annual school meeting. (b) In such meeting when must the vote be by ballot and when may it be by ballot or be ascertained by recording the ayes and noes?

(a) What is the minimum length of time that a public school must be taught to entitle it to share in the public moneys? (b) Upon what two additional items does its right to a share of the public moneys depend?

In a school district not having a board of trustees what officer is virtually treasurer of the district? Give reason for your answer.

In case of a special school meeting what business may be transacted?

Why does the law prohibit the same person from holding the office of school trustee and supervisor of his town?

How may a trustee of a common school district be authorized to employ a teacher within a prohibited degree of relationship?

(a) When is a teacher required to make affidavit to the correctness of the school register? (b) Why does the law make such affidavit necessary?

Under what condition may a school commissioner appoint a district trustee?

Name two duties of a district clerk.

21.

What is the duty of the trustee when there is no money on hand for the payment of the salary due teachers?

What is the plan upon which library money is apportioned to the district schools?

What business is a school commissioner debarred from engaging in, directly or indirectly?

State the qualifications which a person must possess in order to be eligible to the office of school district treasurer?

Name three important items which the annual report of trustees to school commissioners must contain.

For what purposes does the school law provide that trustees may permit a school-house to be used when it is not in use for the district school?

(a) By whom may a school commissioner be removed from office? (b) For what cause?

Are women prohibited from voting for (a) trustees; (b) school commissioners?

A resides in district 1, Pulteney, but owns property and pays taxes in district 2 of said town. His son is permitted to attend school in district 2. What is the provision of law relative to the payment of tuition in this case?

What is the law in relation to the power of a school commissioner (a) to take affidavits and administer oaths; (b) to issue subpoenas and compel the attendance of witnesses?

22.

(a) What vote is necessary for the adoption of text-books in a common school district? (b) By what vote may such books be changed within a period of five years from their adoption?

What pupils according to law are required to study the effects of stimulants and narcotics for text-books?

In case a school district contracts with a second district for the tuition of the pupils of the first, what money does the first district receive from the State?

All propositions at a district meeting involving the expenditure of money must be voted on in one of what two ways?

What does the law prescribe in regard to the election of district officers as to (a) manner of voting, (b) poll-list, (c) inspectors of election?

What are the penalties imposed by the compulsory education law upon persons in parental relation to children who violate the provisions of the law?

Under what conditions is a common school district entitled to share in the State library money?

Who fixes the amount of the collector's bond, and with what officer is the bond filed?

If the public money of the district is paid to a person not legally entitled to receive it, what remedy has the district?

What conditions are necessary that a school district may receive money from the general State apportionment?

If an unqualified person votes at a school meeting, what penalty may be imposed?

What is the provision of the law in relation to the visitation of schools by the school commissioner?

23.

(a) Before any school house may be built what plans must be submitted to a school officer? (b) To what officer must these plans be submitted?

If a trustee be elected by the votes of unqualified voters what course may be taken to right the matter?

(a) By whom is a special meeting in a common school district called? (b) What three items of information must the call contain?

What are the provisions of the law in relation to the amount of personal property necessary to constitute a voter at school meeting?

Name three sources from which the State school funds are derived.

What authority determines the number of hours a teacher must teach daily? What is the redress for abuse of such authority?

How must a district collector proceed in order to obtain from the supervisor of the town the public money apportioned to the district?

Give three items to be entered in the school register by the teacher, and which are a part of the trustee's annual report to the school commissioner.

Specify the certificates that do not require the endorsement of the commissioner to make them valid in his district.

How may a school district retain its organization and share in the public money without maintaining a school in the district?

State a purpose for which the voters may bond a school district?

Who are eligible to appointment as school librarians in common school districts? By whom are they appointed?

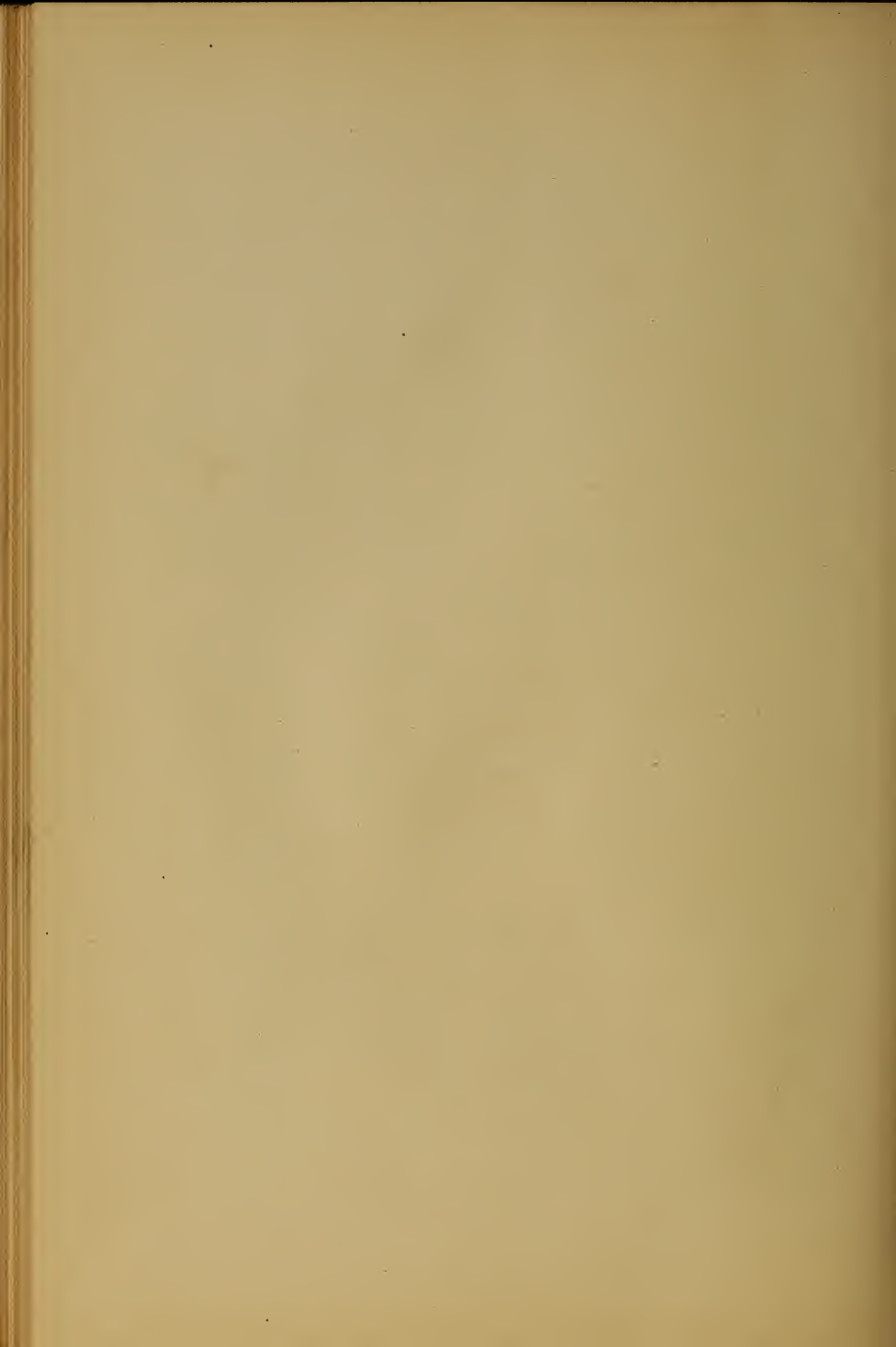
24.

Under the school law relative to the display of the flag, (a) who is charged with the duty of providing the flag and fixtures; (b) how is the expense met; (c) when is the flag to be displayed?

Specify the sources from which the State school money is derived.

What is an attendance officer required to do with a child arrested for truancy?



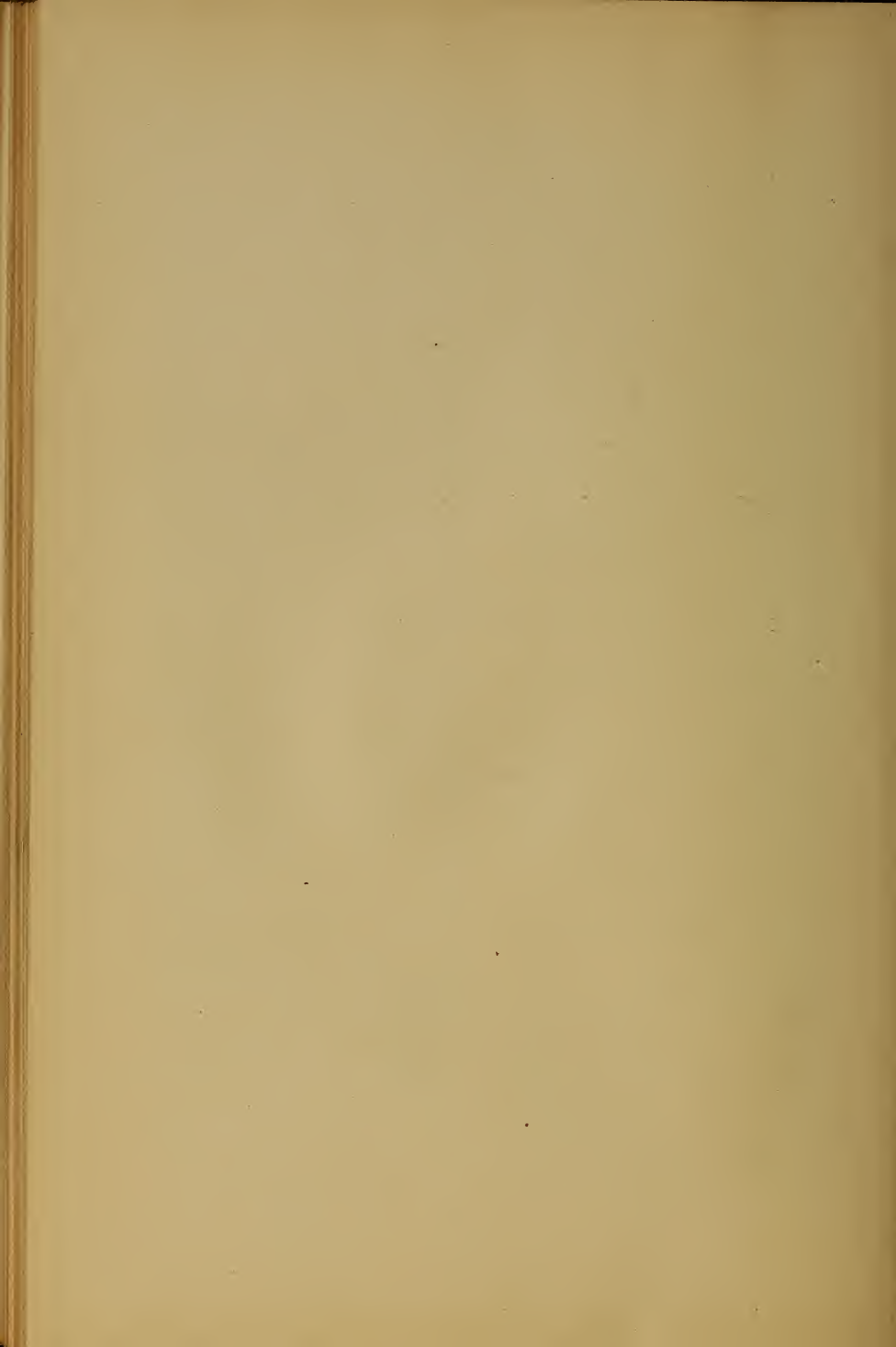


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